United Nations A/63/225

General Assembly

Distr.: General
6 August 2008

Original: English

Sixty-third session
Item 52 of the provisional agenda*
Sustainable development

Oil slick on Lebanese shores

Report of the Secretary-General

Summary

The present report, submitted in response to the request contained in General Assembly resolution 62/188, provides an update on the progress of the implementation of Assembly resolutions 61/194 and 62/188 related to the oil slick on Lebanese shores that resulted from the bombing of el Jiyeh power plant, a civilian utility serving the general public. It builds upon the information presented in the report of the Secretary-General on the oil slick on Lebanese shores (A/62/343).

While the response of the international community was swift, there is a need for the continued support of Member States, international and regional organizations, non-governmental organizations and the private sector for Lebanon in this matter towards the creation of an eastern Mediterranean oil spill restoration fund, as well as adequate compensation by the Government of Israel.

* A/63/150.

08-45240 (E) 290808

I. Introduction

1. The present report has been prepared by a United Nations inter-agency team, pursuant to General Assembly resolution 62/188, entitled "Oil slick on Lebanese shores". In paragraph 7 of the resolution, the Assembly requested the Secretary-General to submit to it at its sixty-third session a report on the implementation of the resolution under the item entitled "Sustainable development".

2. The report reiterates the overall assessment of the impact of the oil spill on human health, biodiversity, fisheries and tourism, and implications for livelihoods and the economy of Lebanon presented in the previous report of the Secretary-General on this subject (A/62/343), updating it where applicable, and includes an account of progress made in approaching the Government of Israel in assuming responsibility for prompt and adequate compensation to the Government of Lebanon; an overview of the progress made in cleaning up and rehabilitating the polluted shores and sea of Lebanon with a view to preserving its ecosystem; and an account of progress made in the establishment of an eastern Mediterranean oil spill restoration fund.

II. Impact of the oil spill on human health, biodiversity, fisheries and tourism, and implications for livelihoods and the economy of Lebanon

3. The marine oil spill resulted in the release of about 15,000 tons of fuel oil into the Mediterranean Sea, leading to the contamination of 150 km of coastline in Lebanon, extending to the Syrian Arab Republic. In paragraph 2 of resolution 62/188, the General Assembly reiterates the expression of its deep concern about the adverse implications of the destruction by the Israeli Air Force of the oil storage tanks in the direct vicinity of the Lebanese el Jiyeh electric power plant for the achievement of sustainable development in Lebanon, and in paragraph 3 it considers that the oil slick has heavily polluted the shores of Lebanon and partially polluted Syrian shores and consequently has had serious implications for livelihoods and the economy of Lebanon, owing to the adverse implications for natural resources, biodiversity, fisheries and tourism, and for human health, in the country.

4. Several United Nations and other international agencies, including the Food and Agriculture Organization of the United Nations (FAO), the International Union for Conservation of Nature (IUCN), the United Nations Development Programme (UNDP), the United Nations Environment Programme (UNEP) and the World Bank, were involved in assessing the implications of the oil spill for human health, biodiversity, fisheries and tourism in Lebanon. The reports of those agencies, together with those of the Government of Lebanon and UNEP/Mediterranean Action Plan/Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC), provided a prompt and reasonably comprehensive account of the immediate impact and response. A summary of the combined findings was presented to the General Assembly at its sixty-second session (see A/62/343), taking into account the social impact (public health and safety), the economic impact (clean-up, monitoring and opportunities lost) and the environmental impact (ecological and physico-chemical effects).

5. In October 2006, UNEP conducted a post-conflict environmental assessment of Lebanon. It should be noted that the UNEP report focused on assessing environmental conditions (water, sediment and biota) in the near-shore zone, rather than the littoral zone where oiling was heaviest and clean-up was ongoing at the time. The UNEP findings on the adverse impact on the coastal and marine environment, which were released in January 2007,[1] and updated during the United Nations inter-agency missions of October 2007 and June 2008, can be summarized as follows:

(a) The oil spill resulting from the bombings of el Jiyeh power plant on 13 and 15 July 2006 caused significant contamination of the Lebanese coastline. The seabed at el Jiyeh was significantly affected by the oil spill. Clean-up operations by local and international organizations are continuing at certain locations. A full survey is needed to evaluate the current conditions of the Lebanese coastline, and the Ministry of the Environment is in the process of initiating one;

(b) A proportion of the oil spilled sank in the vicinity of el Jiyeh as a result of loss of volatiles after burning and incorporation of sand, covering the seabed over an area of a few hundred metres out to sea and smothering biota in the sediment. The oil that did not sink either evaporated, adding volatile organic compounds to the atmosphere,[2] or was caught in the northbound current and transported up the Lebanese coast, reaching the Syrian Arab Republic. The prevailing south-east wind also prevented the oil from spreading out to sea, pushing it instead northwards towards land against the predominantly rocky and coarse-sediment coastline. Most of the oil contamination adhered to the coast, coating surfaces, filling voids in coarse sediment and adding petroleum hydrocarbon contamination in the seabed sediment in two areas at depths of between 4 and 25 m along the coast;

(c) Harbours, coves, caves and small natural bays were affected in particular, as the oil tended to get trapped in them. Affected locations included the biologically important sites of Palm Islands Nature Reserve, archaeologically significant areas in Byblos and Anfeh and various beaches and fishermen's wharfs that are important from the standpoint of the economy and tourism;

(d) The flora and fauna on rocks and sandy beaches that were directly exposed to the oil were also affected. Significant mortality as a result of toxicity or smothering probably occurred among littoral invertebrates such as gastropods, polychaetes, crustaceans and algae, especially on heavily contaminated beaches. The full recovery of those habitats is likely to take some years. It is recommended that all available shoreline data on oil concentrations, oil weathering indicators and flora and fauna parameters should be collected to add to the UNEP near-shore findings. Following this, focused monitoring on a routine and long-term basis at various sites may be used to assess the continuing impact of the oil spill in terms of status, trends and recovery;

(e) In October 2006, the concentrations of polycyclic aromatic hydrocarbons and petroleum hydrocarbons in seabed sediment, oysters and fish were found to be similar to those in areas under anthropogenic influence for the eastern part of the

[1] See http://postconflict.unep.ch/publications.php?prog=lebanon.

[2] Oceanography Centre, University of Cyprus, Nicosia, 2006, "Oil spill modelling predictions in the Mediterranean (Lebanon coastal oil spill pollution)".

Mediterranean. An analysis of marine waters sampled three months after the spill detected traces of oil dispersed and dissolved in the water only in the affected areas;

(f) The bombing of el Jiyeh power plant, a civilian utility serving the general population, occurred close to the beginning of the conflict. Hostilities were therefore ongoing during the critical early days of the oil spill, and security conditions severely hampered access to the coastline, as well as any potential large-scale oil clean-up response operations;

(g) The clean-up of the oil spill has left in its wake substantial quantities of oily liquids and solids and oil-contaminated debris and soils. The safe disposal of that waste remains a serious concern, as Lebanon has no environmentally acceptable disposal facilities for such waste streams. Mobilization of international technical assistance and development partner support is still needed to create an environmentally acceptable disposal solution.

6. The present report is submitted approximately two years after the oil spill. The concentrations of pollutants and the biological parameters are being monitored on a routine basis to attempt to track the recovery of affected sites and the general state of the environment. United Nations agencies and other international partners, in collaboration with the Government of Lebanon, are planning programmes for the development of a system for monitoring environmental quality, including for polluted areas.

7. In August 2006, UNDP initiated a rapid environmental assessment, based on existing research and observations, which was completed in December 2006 and published in February 2007.[3] The report identified 46 environmental impacts, of which 9 were marine oil-spill related and classified as follows:

(a) Severe (2): littoral pollution from oil spill (medium term, or 1-10 years) and impact on marine biodiversity (especially rocky biogenic reefs and Palm Islands Nature Reserve) from oil spill from el Jiyeh power plant (long term, or 10-50 years);

(b) Critical-significant (3): air pollution from el Jiyeh fire (short term, or less than 1 year),[4] marine sediment impact from sunken oil (medium term, or 1-10 years) and soil pollution from deposited contaminants as a result of burning fuel at el Jiyeh (medium term, or 1-10 years);

(c) Critical but non-significant (2): impact on seawater quality from oil spill (short term, or less than 1 year) and soil impact at el Jiyeh site (medium term, or 1-10 years);

(d) Marginal (1): pollution affecting plants and ecosystem as a result of burning fuel at el Jiyeh (short term, or less than 1 year);

(e) Negligible (1): impact on coastal aquifers from oil spill (short term, or less than 1 year).

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[3] See www.undp.org.lb/communication/archives/REA.cfm.

[4] The report addresses the issue of air pollution as a result of fuel burning, stating that the "estimated 60,000 m^3 of fuel that burned are thought to have caused extensive atmospheric contamination in a plume reportedly reaching as far as 60 km, releasing 2.45PJ of heat". The report also states that in the vicinity of el Jiyeh, the atmospheric plume may have caused some short-term respiratory symptoms among the exposed population, in addition to contributing to adverse climate change.

8. The UNDP report also addressed the impact of the oil spill on cultural heritage, describing how archaeological structures in Byblos were severely affected by the oil spill from the power plant: stones at the base of two medieval towers at the entrance to the harbour were covered by a thick layer of fuel and other ancient ruins from various periods, located below the archaeological tell, were also covered by a layer of fuel.

9. The UNDP report pointed out that a national clean-up operation of the Lebanese coast could not start immediately after the spill occurred or even after the ceasefire owing to the air and marine blockade enforced by the Israeli army on Lebanon as well as to the lack of human, material and financial resources. Existing resources were devoted to attending to humanitarian aid and immediate public health needs. Although the logistical work related to the clean-up operations was initiated earlier through minor pilot interventions, the major clean-up operations could not start until a few weeks after the ceasefire. Moreover, the bombardment of bridges and roads also delayed the onset of the clean-up operations.

10. The UNDP report also highlighted the issue of clean-up and waste management, in particular in the light of the lack of necessary infrastructure in Lebanon. In an effort to try to fill that acknowledged gap, UNDP funded ($200,000) and pursued oil spill management coordination with the Ministry of the Environment of Lebanon. This included day-to-day technical coordination and management activities, as well as the writing of a book on the oil spill and the development of a website dedicated to the issue.

11. UNDP also funded a study to assess and review the clean-up and possible treatment of the waste, and during the period from November 2007 to June 2008 it was able, with the support of partners and in coordination with the Ministry of the Environment of Lebanon:

(a) To remove recovered oil-spill waste stored in an urban area (Tabarja, northern Lebanon) and transport it appropriately to the temporary storage site at a sanitary landfill for inert materials (Bsaleem, Mount Lebanon);

(b) To launch a request for proposals to remove recovered oil-spill waste still stored along the shore in the area of el Jiyeh and to transport it to one of the temporary storage sites designated by the Government;

(c) To initiate a $550,000 grant from the Canadian International Development Agency, for oil-spill waste management (first-level management, including, but not limited to, sorting, packaging and labelling);

(d) To liaise with the Government of Finland for potential funding of €330,000 in support of waste management and environmental monitoring.

12. The Canadian International Development Agency had previously allocated, through the UNDP Bureau for Crisis Prevention and Recovery, $1.1 million to help fishermen's associations in Lebanon to repair damaged boats as well as to provide fishing nets and engines and to rebuild the fish market in the suburbs of Beirut. UNDP also facilitated clean-up operations at the fishermen's wharf in Beirut with funding of approximately $175,000 from the Fund for International Development of the Organization of Petroleum Exporting Countries (OPEC), as well as at three sites south of Beirut with funding of $850,000 from the Canadian International Development Agency. It also initiated clean-up activities at four sites between

Beirut and el Jiyeh with funding of $1 million from the Government of Japan. A total of 200 extra copies of the report entitled *Lebanon Rapid Environmental Assessment for Greening Recovery, Reconstruction and Reform — 2006*[3] were printed and the executive summary translated into Arabic and published. UNDP used that report as a key reference in developing oil-spill-related proposals and projects.

13. During the preliminary stage of the response to the oil spill, the International Maritime Organization (IMO) undertook work on the affected area through the Regional Marine Pollution Emergency Centre, providing funding for an expert to provide overall coordination and management of the spill response and to assist the Lebanese authorities.

14. During that period, the Emergency Centre, with seconded personnel sent by Environment Canada, the Maritime and Coastguard Agency of the United Kingdom of Great Britain and Northern Ireland, the European Commission (through the European Maritime Safety Agency) and the French Naval Academy, also provided technical advice to the Lebanese authorities.

15. The International Union for Conservation of Nature task force and assessment team arrived in Lebanon after the hostilities, on 15 August 2006. The main findings of their mission[5] included the following:

(a) It is clear that much of the shoreline ecosystem was physically and chemically contaminated. The impact included significant mortality and impairment of the structure and function of the shoreline ecosystem. Of particular concern with shoreline oiling is the impact on vermetid terraces/coralline reef communities. Populations of sand-beach meiofauna have been diminished by up to 90 per cent in places, according to the National Council for Scientific Research.[6] Those organisms are prey for fish, and thus fish stocks might decrease, with possible consequential economic losses;

(b) The oil spill had a direct impact on biodiversity hot spots and fragile marine ecosystems, such as Palm Islands Nature Reserve, one of only two marine protected areas in the country;

(c) Oil from the spill that covered the shoreline for a long period was seen to have posed a serious threat to migrating birds, marine turtles and other fauna and flora all along the shore, specifically in Palm Islands Nature Reserve and in the Damour area. Marine life in shallow waters could have been adversely affected, although Lebanon is thought to have no seagrass, a biotope particularly sensitive to oil spills. There may have been an impact on sand dunes in northern Lebanon, specifically in Palm Islands Nature Reserve;

(d) The period from July through September is the hatching season for marine loggerhead turtles (Caretta caretta) and green turtles (Chelonia mydas). It is likely that those endangered species have been exposed to residual oil on beaches as well as in offshore waters. Such exposure may result in mortality or have sublethal effects, including carcinogenesis and physiological and reproductive impairment. It

[5] See the report of the Lebanon Oil Spill Rapid Assessment and Response Mission.

[6] G. Khalaf, K. Nakhle, M. Abboud-Abi Saab, J. Tronczynski, R. Mouawad and M. Fakhri, "Preliminary results of the oil spill impact on Lebanese coastal waters", *Lebanese Science Journal*, Vol. 7, No. 2, 2006.

is likely that slow-moving and benthic species have been the most affected fauna in the area of el Jiyeh power plant, where the most significant amount of oil sank to the seabed;

(e) In general, marine birds are affected by oil spills, either through plumage oiling and loss of thermoregulation and buoyancy, or through acute poisoning during preening, decrease in reproduction or damage to food source and habitat. Southerly bird migration along the coastal zone of Lebanon starts in September. Some 100 oiled birds were observed in Palm Islands Nature Reserve. It is almost certain that others were exposed but went unnoticed at sea or along unmonitored segments of the shoreline;

(f) The likely degradation of the ecosystem (deterioration of vegetation, disturbance to wildlife and destruction of delicate habitats and endangered species of fauna and flora) means that an integrated impact and recovery assessment programme is needed for the conservation of biodiversity.

16. IUCN contributed to the mobilization of funds from the Government of Switzerland for the clean-up of Palm Islands Nature Reserve through an economic development project benefiting the local communities and the affected fishermen in northern Lebanon. Furthermore, IUCN established a pilot monitoring project on the Reserve with funding from Italian Cooperation, in close coordination with the Ministry of the Environment and academia; the project will be further developed with funding from the Government of Spain. IUCN also documented the oil spill in a 35-minute documentary that was funded by Italian Cooperation and supported by the Ministry of the Environment and shown internationally, winning an award in September 2007 at an international film festival in La Maddalena, Italy.

17. In September 2006, FAO conducted a damage assessment of the agriculture and fisheries sectors upon the request and in cooperation with the Ministry of Agriculture of Lebanon. It fielded an assessment mission (a) to evaluate the overall damage caused to the farming and fishing communities and (b) to elaborate an early recovery programme for the immediate needs of the most vulnerable farming and fishing communities in the affected areas.

18. The FAO report was released in November 2006.[7] The conclusions reached in respect of the impact of the conflict on the marine fisheries sector are set out in paragraphs 19 and 20 below.

19. Total losses in the fisheries sector were estimated at $9.73 million. They included the loss of boats and other equipment and the destruction of a fishermen's cooperative. The oil spill also affected fisheries by blocking harbours and fouling vessels, gear and mooring lines. Fishing vessels became inoperable owing to engine damage from the oil. Such direct impact caused economic losses, while indirect effects ranged from loss of income to difficulties in the marketing of fishing-related products. From the outbreak of the conflict on 12 July 2006 to the lifting of the sea blockade by Israel on 9 September 2006, no fishing was possible and, accordingly, no income was generated. The follow-on effect was loss of income for those involved in selling fish, operating specialized fish restaurants and providing services to the fishing industry. After fishing operations resumed, Lebanese consumers were

[7] FAO, Rome (2006), *Lebanon: Damage and Early Recovery Needs Assessment of Agriculture, Fisheries and Forestry.*

reluctant to consume fish owing to food safety concerns, contributing to a reduction in market demand.

20. The fishing community suffered enormously as a result of the hostilities of July 2006, both directly, as a consequence of hostile action, and indirectly, because of loss of income associated with the conflict and its after-effects. Future actions are required to ensure sustainable development and an improvement in the livelihoods of the fishing communities, further clean-up of harbours and shorelines and preservation of coastal marine life.

21. The World Bank carried out an economic assessment of environmental degradation resulting from hostilities.[8] The overall costs were estimated at between $527 million and $931 million, averaging $729 million, or about 3.6 per cent of the gross domestic product of Lebanon in 2006. Table 1, drawn from the World Bank assessment report, lists the damage by category of impact. Table 2, also drawn from that report, provides information about the estimated damage costs of the oil spill, which average $203 million. It is important to note that those estimates do not, however, cover the impact of the oil spill on health, ecosystem services and marine biodiversity or the costs of clean-up operations to be carried out in future. Hence, it is probable that the overall damage costs resulting from the oil spill are underestimated.

Table 1
Estimated cost of environmental degradation caused by the hostilities in Lebanon in July 2006

Category	*Minimum*	*Maximum*	*Average*	*Percentage of gross domestic product*[a]
	(Millions of United States dollars)			
Waste	206.8	373.5	290.2	1.4
Oil spill	166.3	239.9	203.1	1.0
Water	131.4	131.4	131.4	0.6
Quarries	15.4	175.5	95.5	0.5
Forests	7.0	10.8	8.9	0.0
Air	—	—	—	—
Total	**526.9**	**931.1**	**729.0**	**3.6**

Source: World Bank, 2007.

[a] Based on estimated gross domestic product of $20.5 billion for 2006 (Economic Intelligence Unit, 2006).

[8] World Bank (2007), *Republic of Lebanon: Economic Assessment of Environmental Degradation Due to July 2006 Hostilities*, report No. 39787-LB, Washington, D.C.

Table 2
Estimated cost of damage and clean-up relating to the oil spill

	Minimum	*Maximum*	*Mean*
	(Millions of United States dollars)		
Category of damage			
Hotels	22.8	59.6	41.2
Beach resorts, chalets, public beaches	13.2	34.8	24.0
Marine sports activities	4.0	4.2	4.1
Palm Islands Nature Reserve	0.7	1.2	1.0
Byblos	0.1	0.1	0.1
Restaurants	19. 5	31.1	25.3
Commercial fishing	3.0	5.9	4.4
Seashore fishing	0.3	0.5	0.4
Oil fuel burned	39.1	39.1	39.1
Subtotal	**102.8**	**176.4**	**139.6**
Clean-up			
Expenditure already made	14.9	14.9	14.9
Oiled waste	48.2	48.2	48.2
Monitoring	1.5	1.5	1.5
Subtotal	**63.5**	**63.5**	**63.5**
Total	**166.3**	**239.9**	**203.1**

Source: World Bank, 2007.

22. The World Bank considered that the oil slick had had serious implications for livelihoods and the economy of Lebanon owing to the adverse impact on natural resources, biodiversity, fisheries and tourism, and human health in the country.

23. The World Health Organization (WHO) conducted a fact-finding mission to Lebanon and published a report in that regard.[9] The WHO assessment looked at the health-care institutions in those districts that were primarily affected by the conflict. In all, 83 per cent of the health facilities were surveyed; 26 per cent of those facilities were not functioning, 6 per cent were partially functioning and 35 per cent were inaccessible by road because of the destruction of roads and bridges and/or the presence of unexploded ordnance.

24. WHO, together with other international agencies, supported the country in its recovery efforts. It concentrated its efforts on maintaining the provision of priority medical and quality health interventions. The clear priorities were:

[9] WHO Regional Office for the Eastern Mediterranean (2007), *Report on health conditions in Lebanon and the occupied Palestinian territory: implementation of resolution EM/RC53/R.6, Part 2, Health Conditions in Lebanon.*

(a) The distribution of essential drugs, medical supplies and chlorine for water disinfection through a Ministry of Public Health-WHO warehouse;

(b) The rehabilitation of health centres and the re-establishment of health-care services;

(c) Surveillance and control of communicable diseases;

(d) An immunization campaign against measles and polio;

(e) Ensuring the safety of drinking water.

25. In addition, researchers from the Lebanese National Council for Scientific Research and the French Research Institute for Exploitation of the Sea found that the tissue of mussels in affected areas was heavily contaminated by polycyclic aromatic hydrocarbons, with concentrations well above the relevant WHO guideline values.

26. WHO is encouraged to continue supporting the recovery efforts of Lebanon, including by conducting environmental epidemiological studies to look into the potential long-term adverse impact on the health of exposed populations. Clearly, the establishment of a health database is a high priority and remains to be done. Such a health registry would facilitate the tracking of long-term health outcomes (dermatitis, bronchitis and so forth) for marine oil-spill workers and citizens in primary zones affected by burned oil plumes.

III. Assumption of responsibility for prompt and adequate compensation by the Government of Israel: progress made

27. In paragraph 4 of its resolution 62/188, the General Assembly called upon the Government of Israel to assume responsibility for prompt and adequate compensation to the Government of Lebanon and other countries for the costs of repairing the environmental damage caused by the destruction, including the restoration of the marine environment. This echoed the earlier request made by the Assembly in paragraph 3 of its resolution 61/194.

28. The Government of Israel has yet to assume its responsibility for providing prompt and adequate compensation to the Government of Lebanon. A response from the Government of Israel to resolution 61/194 was formally sought by a letter, dated 16 August 2007, from the UNEP Post-Conflict and Disaster Management Branch to the Permanent Mission of Israel to the United Nations Office at Geneva, but no such response was received. A further letter, dated 5 June 2008, was sent from the Executive Director of UNEP to the Permanent Representative of Israel to UNEP, highlighting the renewed request for action on the part of Israel contained in resolution 62/188. No response has been received to either of those communications. In the absence of an official response from Israel, it is difficult to report on progress.

29. In 2007, UNDP reviewed the many conventions that relate to oil pollution at sea, which many eastern Mediterranean countries have signed, as well as other possible agreements or compensation schemes. Unfortunately, none of those conventions is applicable during armed hostilities. In addition, the agreements that

relate to spill compensation[10] pertain only to oil spills from tanker vessels at sea, not to land-based incidents. In 2007, UNDP recommended examination of the United Nations Compensation Commission as the only precedent-setting major oil-spill compensation regime for spills resulting from armed hostilities.[11]

30. All littoral States of the eastern Mediterranean are signatories to the only oil-spill convention that relates to cooperation in response to spills arising from coastal oil-handling facilities and not merely from tankers: the International Convention on Oil Pollution Preparedness, Response and Cooperation, 1990, which entered into force in 1995 and which is aimed at facilitating international cooperation and mutual assistance among States and regions. The spirit of the Convention clearly could not be fully observed during the hostilities of July 2006 and in the aftermath of the marine oil spill.

31. Although not specifically concerned with issues relating to spill compensation or non-accidental acts during war hostilities, that Convention could nevertheless be utilized for future capacity-building and regional cooperation in the area of spill planning. Israel, Lebanon and the Syrian Arab Republic should be strongly encouraged to take a leadership role in a thorough post-spill review, hosted by the Regional Marine Pollution Emergency Centre, of Convention-related activities in the eastern Mediterranean Sea. Other regional signatories to the Convention that could have been affected by the spill, including via aerial transfer combustion products, are Egypt, Greece, Jordan and Turkey.

32. The Barcelona Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean also sets out, in article 9, the following obligations of the parties to cooperate in dealing with pollution emergencies:

> The Contracting Parties shall cooperate in taking the necessary measures for dealing with pollution emergencies in the Mediterranean Sea area, whatever the causes of such emergencies, and reducing or eliminating damage resulting therefrom;
>
> Any Contracting Party which becomes aware of any pollution emergency in the Mediterranean Sea area shall without delay notify the Organization and, either through the Organization or directly, any Contracting Party likely to be affected by such emergency.

33. The Government of Lebanon notified the Regional Marine Pollution Emergency Centre of the oil spill by a letter dated 21 July 2006 and embassies of neighbouring countries by letters dated 27 July 2006.

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[10] The International Convention on Civil Liability for Oil Pollution Damage, 1969, and the 1992 Protocol thereto; the 1992 Protocol to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (International Oil Pollution Compensation Fund); and the 2003 Protocol on the Establishment of a Supplementary Fund for Oil Pollution Damage (Supplementary Fund Protocol).

[11] By its resolution 687 (1991), the Security Council created an indemnification fund for damages and harm caused following the invasion of Kuwait. As a result, millions of dollars were disbursed as compensation for lost revenues during the recession in Kuwait. For the first time, paying indemnities for damaging the environment and destroying natural resources was expressly allowed.

34. A range of recovery measures to respond to the oil spill have been suggested as a positive step towards biodiversity conservation and the restoration of livelihoods in the region.

IV. Progress made in the provision of financial and technical assistance in support of the efforts of the Government of Lebanon to clean up the polluted shores and sea of Lebanon with a view to preserving its ecosystem

35. In paragraph 5 of its resolution 62/188, the General Assembly encouraged Member States, regional and international organizations, regional and international financial institutions, non-governmental organizations and the private sector to continue their financial and technical assistance to the Government of Lebanon towards achieving the completion of clean-up and rehabilitation operations, with the aim of preserving the ecosystem of Lebanon and that of the Eastern Mediterranean Basin.

36. When the oil spill occurred in July 2006, the national response capacity was overwhelmed because of the ongoing conflict, the simultaneous need for a massive humanitarian response, the destruction of infrastructure and the land, air and sea blockade by Israel. Those factors also impeded initial international assistance efforts. During the conflict, the Ministry of the Environment of Lebanon mobilized resources with its partners in the international community. It also coordinated preventive interventions, such as the construction of barriers to protect industry and the coastline from further spillage. After the end of the conflict, some international assistance was provided and clean-up operations started.

37. The Ministry of the Environment implemented a two-phase clean-up plan as and when materials and resources were provided by the various bilateral partners and international organizations, as described in its report of July 2007.

38. During the first phase, the priorities set by the Ministry of the Environment were to recover free-floating oil from the sea and confined areas; clean areas with potential for direct human contact or risk to public health; rehabilitate areas where oil slicks hampered economic activities; and address direct threats to environmentally or culturally important sites. This not only followed the three-part approach to sustainable development (social, economic and environmental) but was also consistent with best practices in protection and clean-up prioritization.

39. Phase I was completed in February 2007, in partnership with various Member States and organizations, including the Government of Italy, the Swiss Agency for Development and Cooperation, the Canadian International Development Agency, the United States Agency for International Development, and the Fund for International Development of OPEC, as well as local non-governmental organizations (see annex).

40. Following the completion of phase I, between April and May 2007 the Ministry of the Environment conducted a survey of the Lebanese coast to determine the scope of work for phase II, which focused primarily on the removal of fuel from rocks, wave-cut platforms, cliffs and infrastructure. An underwater survey of the near-shore and littoral zones of the coast between the northern zone (Abdeh-Akkar)

and the southern zone (Jadra) was carried out by the Ministry and financed by UNDP. In the course of the survey, submerged oil was observed in the area of the town of el Jiyeh and near Byblos, where tar balls are still being washed ashore.

41. Clean-up work followed, sponsored by the Government of Japan through UNDP,[12] the Government of Norway through the Higher Relief Commission in Lebanon,[13] the United States Agency for International Development[14] and the Government of Spain through the Spanish Agency for International Cooperation and Development.[15]

42. By June 2008, approximately 500 m^3 of liquid and 3,120 m^3 of semi-solid and solid waste had been collected during both phases of the clean-up operation and appropriately stored in containers in secure temporary storage sites.[16] Some waste is also being stored temporarily at clean-up sites, pending its transportation to more secure storage sites shortly.

43. Upon the request of the Government of Lebanon, two studies were undertaken in connection with treatment and disposal options in respect of oil-spill waste. The first, entitled "Assessment and review of oil spill clean-up waste and review of possible treatment options", was funded by UNDP and published in July 2007. The second, entitled "Study for the management of oily wastes generated by the cleaning operations of the Lebanese coast following the oil spill of Jiyeh", which was published in December 2007, was funded by the Ministry of Finance and Industry of France and implemented in coordination with the Council for Development and Reconstruction in Lebanon. Both studies highlight the fact that Lebanon currently lacks the infrastructure to ensure the environmentally sound treatment of such waste. On the basis of those findings, the Ministry of the Environment formulated a brief project proposal on sound environmental waste management, including a schematic diagram. Limited funding has been provided so far; co-funding is still needed if the objectives are to be achieved.

44. In the light of the international meeting convened in Athens on 17 August 2006 by IMO and UNEP, hosted by the Government of Greece, which reached agreement on the Action Plan prepared by the Experts Working Group for Lebanon under the supervision of the Regional Marine Pollution Emergency Centre and the Minister for the Environment of Lebanon, and given the fact that the General Assembly, in paragraph 4 of its resolution 61/194, encouraged Member States, regional and international organizations, regional and international financial institutions, and non-governmental organizations and the private sector to provide financial and technical assistance to the Government of Lebanon in support of its efforts to clean up the polluted shores and sea of Lebanon with a view to preserving its ecosystem,

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[12] Clean-up operations in areas surrounding Dalieh fishermen's wharf in Beirut and Jiyeh — four lots in total (September-November 2007) — under the technical supervision of the Ministry of the Environment of Lebanon.

[13] On 1 November 2007, a memorandum of understanding was signed between the Government of Norway and the Government of Lebanon, under which clean-up operations took place in six areas in North and South Beirut under the technical supervision of the Ministry of the Environment (December 2007-February 2008).

[14] Clean-up operations carried out in 21 areas between Tabarja and Anfeh under technical supervision of the Ministry of the Environment (September 2007-May 2008).

[15] Mobilization in May 2008 of the oil-spill clean-up project on Palm Islands Nature Reserve.

[16] Information from the Ministry of the Environment of Lebanon, June 2008.

the Government of Greece allocated $1.6 million for the implementation of an environmental monitoring project in Lebanon.

45. Assistance for phase I is estimated at almost $15 million, according to table 2.24 of the World Bank report published in 2007.[8] The total cost of waste collection was lower that the original estimate. However, given the fall in the value of the United States dollar against the euro, the total cost is now estimated at about $18.5 million.

46. It should be noted that the Ministry of the Environment estimated the cost of the clean-up at $150 million, based on an applied model of costs per ton spilled, while the Experts Working Group for Lebanon estimated the overall cost of clean-up and rehabilitation at between $137 million and $205 million. The Experts Working Group for Lebanon recommended that range as an upper limit, with €50 million ($77.8 million at an exchange rate of €1:$1.556 as at 6 August 2008) as the minimum value. The Working Group therefore proposed that the search for funding be based on an initial amount of €50 million ($77.8 million) for 2006, with possible complements for 2007.[17]

47. Total assistance received by Lebanon as of June 2008 amounted to about 10 per cent of the average upper limit range, and only about 24 per cent of the minimum value. Furthermore, the lower estimate of €50 million ($77.8 million) arrived at by the Regional Marine Pollution Emergency Centre was based substantially on the cost of one major Mediterranean spill (Haven, 1991), which had similarities with, but also some significant differences from, the spill in Lebanon.

V. Mobilization of international technical and financial assistance through donor support for the creation of an eastern Mediterranean oil spill restoration fund: progress made

48. In paragraph 6 of its resolution 62/188, the General Assembly called for the mobilization of international technical and financial assistance through donor support for the creation of an eastern Mediterranean oil spill restoration fund, based on voluntary contributions, to support the integrated environmentally sound management, from clean-up to safe disposal of oily waste, of the environmental disaster resulting from the destruction by the Israeli Air Force of the oil storage tanks at el Jiyeh electric power plant.

49. So far, no progress has been made towards the creation of the fund, possibly owing to the fact that no practical or operational mechanism has been identified and put forward. It is important that the General Assembly entrust the Secretary-General with the task of establishing, in coordination with the adversely affected Member

[17] Experts Working Group for Lebanon, Lebanon Marine and Coastal Oil Pollution International Assistance Action Plan, 25 August 2006. Members of the Experts Working Group for Lebanon include the Joint Environment Unit of UNEP and the Office for the Coordination of Humanitarian Affairs, the European Commission Monitoring and Information Centre, the International Tanker Owners Pollution Federation Ltd., UNDP, Instituto Centrale per la Ricerca Scientifica e Tecnologica Applicata al Mare, the Oceanography Centre, University of Cyprus, and Centre de Documentation de Recherche et d'Experimentations sue les Pollutions Accidentelles des Eaux.

States of the eastern Mediterranean, such a fund in accordance with paragraph 6 of resolution 62/188. This could be done utilizing existing United Nations entities and available mechanisms.

VI. Conclusions

50. The Secretary-General wishes to commend the ongoing efforts made by the Government of Lebanon to address the impact of the oil spill and to urge the Government of Israel to take the necessary actions towards assuming responsibility for prompt and adequate compensation to the Government of Lebanon. The Secretary-General would also like to commend the efforts made by the United Nations system in responding to the emergency and to the requests of the Government. While the response of the international donor community has been both generous and timely, given the particularities of the cause and the circumstances prevailing at the time of the oil-spill incident and after, the Secretary-General would urge Member States, international organizations, international and regional financial institutions, non-governmental organizations and the private sector to continue their support for Lebanon in this matter, in particular for rehabilitation activities on the Lebanese Coast, as well as in the broader recovery effort. The international effort should be intensified, since Lebanon is still engaged in oil removal, waste treatment and recovery monitoring. It should also be recognized that the oil spill is not covered by any of the international oil-spill compensation funds, and thus merits special consideration. To this end, the Secretary-General commends that the eastern Mediterranean oil spill restoration Fund be established.

Annex

Member States, regional and international organizations, regional and international financial institutions, governmental and non-governmental organizations and private sector entities that had provided financial and technical assistance to the Government of Lebanon as at 24 June 2008

	Cash contributions	*Technical assistance*[a]	*Equipment*[b]	*Contractors*[c]
Member States				
First response during the war				
Kuwait		■	■	
European Union/Danish Emergency Management Agency		■		
Norway		■	■	
Post-war assistance				
Norway	▨	■	■	
Canada (Canadian International Development Agency)				■▨
Cyprus			■	
Finland			■	
France		■	■	
Germany		■		
Italy		■	■	
Monaco			■	
Spain[d]		■	■	▨
Sweden		■		
Switzerland (Swiss Agency for Development and Cooperation)				■
Japan				■
United States (United States Agency for International Development)				■▨
Regional organizations				
League of Arab States/Egypt		■		
International organizations				
United Nations Development Programme	■			
World Bank		■		
United Nations Environment Programme, Post-Conflict Branch, and Office for the Coordination of Humanitarian Affairs		■		
Food and Agriculture Organization of the United Nations		■		

	Cash contributions	*Technical assistance*[a]	*Equipment*[b]	*Contractors*[c]
Regional financial institutions				
Organization of the Petroleum Exporting Countries (Fund for International Development)				
International financial institutions				
None				
International non-governmental organizations				
International Union for Conservation of Nature — West Africa, Central Asia and North Africa office and Mediterranean offices				
Green peace				
International private sector				
Recoverit International, Australia				

[a] Transfer of technical know-how by experienced personnel for activities related to oil-spill recognition, evaluation and control activities.

[b] Hardware and software (consumables) for the purpose of oil-spill recognition, evaluation and control activities.

[c] Contractors are third parties contracted to undertake oil-spill recognition, evaluation and control activities and are directly sub-contracted by development partners.

[d] Phase II work funded by the Government of Spain was carried out through the Spanish Agency for International Cooperation and Development.

Phase I development partner.

Phase II development partner.

United Nations A/63/226

General Assembly

Distr.: General
6 August 2008

Original: English

Sixty-third session
Item 81 of the provisional agenda*
The rule of law at the national and international levels

Strengthening and coordinating United Nations rule of law activities

Report of the Secretary-General

Summary

The rule of law is both an aim of the Organization and a means to achieve its ends. The inventory of United Nations rule of law activities includes the work of 40 entities and illustrates the depth and complexity of this endeavour. Since its founding, the United Nations has supported the promotion, development and implementation of international norms and standards. Violations of international law are still too frequent, means of accountability too few and political will to ensure compliance too weak.

The report underscores the importance of the rule of law at the international level and examines ways to strengthen support to Member States in the domestic implementation of international norms and standards. A United Nations approach to rule of law assistance at the national level outlines overarching guiding principles and a policy framework to guide the provision of effective assistance through coherent and coordinated efforts. Despite advances, more needs to be done to ensure that rule of law activities are consistently integrated into all aspects of United Nations engagement at the country level.

Since the General Assembly adopted its resolutions 61/39 and 62/70, progress has been made in developing the capacities of key United Nations rule of law entities. Efforts to fill gaps in United Nations rule of law capacities and approaches are ongoing. In meeting the requests of Member States for rule of law assistance, there should be an appropriately balanced, harmonized and responsive engagement.

* A/63/150.

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Responsibility for the overall coordination of rule of law work rests with the Rule of Law Coordination and Resource Group, chaired by the Deputy Secretary-General and supported by the Rule of Law Unit. The Group has achieved results in developing guidance to avoid duplication and maximize synergies, and has taken a new strategic and results-based approach to United Nations rule of law work.

The movement towards Joint United Nations assessments, strategies and programming in the field will assist in evaluating the effectiveness of United Nations assistance. It is imperative to demonstrate the tangible impact of United Nations rule of law work on the people the Organization serves.

A key goal is to strengthen partnerships with Member States and other rule of law stakeholders to promote shared objectives. Efforts to improve the coherence of the United Nations system can succeed if complemented by increased rule of law coordination and coherence on the part of the broader international community. It is of essential importance that national perspectives are placed at the centre of efforts to make rule of law assistance more strategic and effective.

Submitted pursuant to General Assembly resolution 62/70, the report highlights ways and means to strengthen and coordinate United Nations rule of law activities.

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I. Introduction

1. "The demand of the Charter for a rule of law aims at the substitution of right for might."[1] In the Preamble to the Charter of the United Nations, Member States reaffirmed their faith in the equal rights of men and women and of nations large and small. Where the United Nations succeeds in supporting change that results in the betterment of peoples' lives through their equal protection under the law and the attainment of justice, it strengthens the rule of law. Ultimately, the equal protection of the law as the means to achieve freedom from fear and freedom from want is the most sustainable form of protection. Perhaps the United Nations contributions to such protection are its most profound achievements. Yet, success in this pursuit is among the hardest to attain.

2. We are engaged in an ongoing process to strengthen United Nations attention to the rule of law at the national and international levels. Principal landmarks in this process thus far have been the Millennium Declaration (see resolution 55/2); the 2004 report of the Secretary-General on the rule of law and transitional justice in conflict and post-conflict societies (S/2004/616); the 2005 World Summit Outcome (resolution 60/1); the 2006 report of the Secretary-General entitled "Uniting our strengths: enhancing United Nations support for the rule of law" (A/61/636-S/2006/980 and Corr.1) and the establishment of new system-wide arrangements consisting of the Rule of Law Coordination and Resource Group, supported by the Rule of Law Unit, and a system of non-exclusive lead entities for various rule of law subsectors.

3. The latest initiative in this process is the inventory contained in the report of the Secretary-General on the rule of law at the national and international levels (A/63/64) (hereinafter "the inventory"). The inventory illustrates that this work is integral to fulfilling the purposes of the Organization. As the responsibilities and the demands on the Organization have continued to grow, United Nations engagement has expanded in numerous ways over the years. It is unquestionable that the United Nations plays the role of a global centre for the promotion of the rule of law, in accordance with its Charter.

4. The present report is submitted pursuant to General Assembly resolution 62/70, in which the Secretary-General was requested to prepare and submit, after having sought the views of Member States, a report identifying ways and means for strengthening and coordinating the activities listed in the inventory of the current activities of the United Nations system devoted to the promotion of the rule of law at the national and international levels, with special regard to the effectiveness of assistance that might be requested by States in building capacity for the promotion of the rule of law at the national and international levels. The views provided by Member States are contained in the annex.

[1] A/4800/Add.1.

II. United Nations rule of law engagement at the national and international levels

A. Understanding United Nations rule of law activities

5. The United Nations undertakes a vast array of activities to promote the rule of law. The inventory includes the activities of 40 United Nations entities and is a clear demonstration of the immensity, depth and complexity of this field of work. Our activities include support to the development, promotion and implementation of international norms and standards in most fields of international law.[2] Separate United Nations entities have been established to focus on specific areas of international law, for example, the United Nations Environment Programme (UNEP), and the Office of the United Nations High Commissioner for Refugees (UNHCR).

6. The Organization includes judicial mechanisms, such as the International Court of Justice, the principal judicial organ of the United Nations, and the ad hoc criminal tribunals and hybrid tribunals.[3] It also provides and supports non-judicial dispute resolution mechanisms, such as cross-border commissions.[4] The United Nations monitors violations of human rights, and conducts fact-finding and commissions of inquiry on alleged violations. It increasingly advises on rule of law issues in mediation processes.[5] Where mandated, it provides direct protection, such as refugee status determination and resettlement, and interim security and law enforcement.[6]

7. A major area of work is ongoing operational and programmatic support to the rule of law at the national level in all contexts, from crisis, peacemaking, peacekeeping, post-crisis and peacebuilding to long-term development.[7] The scope of engagement is wide and includes assessments, programme management, technical cooperation and capacity development in all areas of the rule of law framework, carried out for the benefit of Member States in accordance with their national policies, priorities and plans. These activities are outlined regularly in reports to the General Assembly and the Security Council.

8. The United Nations is currently conducting ongoing rule of law operations and programming in over 110 countries and in all regions of the globe, with the largest presence being in Africa (over 40 countries), followed by Asia and the Middle East (close to 40 countries) and Latin America (almost 20 countries). Many United Nations entities carry out activities in the same countries. Five or more United Nations entities are currently working simultaneously on the rule of law in at least 24 countries, the majority of which are in conflict and post-conflict situations; 16 of these countries host Security Council-mandated peace operations. At least 43 countries, in situations ranging from peacemaking to long-term development, host three or more United Nations actors conducting rule of law work.

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[2] See, for example, A/63/64, paras. 38-52, 56-80, 257-265.

[3] Ibid., paras. 286-287, 295 and 308-309.

[4] Ibid., paras. 85, 106, 187, 270, 296 and 324.

[5] Ibid., para. 283.

[6] Ibid., paras. 271 and 383.

[7] Ibid., paras. 301-304, 310-320, 338-363, 365-374 and 527-542.

9. In many countries, the United Nations supports multiple aspects of the rule of law framework. In places such as Afghanistan, Liberia, Nepal, Somalia, the Sudan, Timor-Leste and Uganda, United Nations assistance covers support for the drafting and implementation of national justice and security strategies and development plans; legal reform; transitional justice; strengthening of the police and other law enforcement and security institutions, and justice and corrections institutions; gender justice; and justice for children. In some of these countries, assistance is also provided on housing, land and property issues relating to refugees and internally displaced persons; combating organized crime; Constitution-making; and the rule of law in mediation processes. Such issues have been key priorities of the Peacebuilding Commission's support to Sierra Leone, Burundi and Guinea-Bissau.

10. In Kenya, since the recent upheaval, the United Nations is supporting rule of law issues in the mediation process and transitional justice efforts, in addition to ongoing justice for children programming and gender justice activities. In other countries, such as Angola, Bolivia, Croatia, Georgia, Guatemala, Indonesia, Malawi, Mozambique, Pakistan and the Philippines, the United Nations carries out programming related to national justice strategies and development plans; access to justice; legal awareness and empowerment; combating corruption; organized crime, including anti-trafficking activities; victim and witness protection; gender justice; justice for children; constitutional reform; and legal reform, including on refugee protection.

11. United Nations activities also include research; the compilation, publication and dissemination of information on the rule of law, including formal addresses, statements and lectures; the documenting of lessons learned and best practices, and the development of guidance materials;[8] and the training of United Nations personnel, which is undertaken by most United Nations entities in their respective fields of law and practice, as well as by specialized research and training institutes and public information capacities.[9]

B. Placing United Nations rule of law activities in context

12. While the inventory reflects the breadth and complexity of United Nations rule of law engagement, by its nature it does not aim to capture comprehensively the Organization's capacities. Although the United Nations has substantial experience and expertise in many normative areas, in several areas it suffers from having under-funded mandates and shallow capacities. One-off activities cannot be compared with sizable projects and long-term programming, sustainable capacity to provide assistance or robust in-house expertise. The activities of public information and funding capacities are important to support rule of law work, but do not reflect substantive rule of law expertise.

13. The multiplicity of rule of law activities across the United Nations system is a reflection of the fact that international law is itself developed by States in multiple forums. Unlike unified national legal systems, some level of fragmentation is inherent in international law-making. Consequently, many relevant United Nations entities and capacities have emerged in parallel. Since its founding, the United

[8] Ibid., paras. 37, 131-183, 185-188 and 457-460.

[9] Ibid., paras. 26-27, 98 and 458.

Nations role in building the capacity of Member States to implement international law has been unequalled. This has ranged from support for general aspects of treaty law to the specificities of international trade, human rights and disarmament law.

14. Nonetheless, the United Nations is confronting a normative-operational disconnect, which reduces its ability to promote the domestic implementation of international law, despite its global expertise. In some areas, such as human rights and refugee law, expertise has consistently been made available at the country level. In many specialized areas, however, expertise available at the headquarters level has neither been transferred sufficiently to the field nor adequately drawn on by United Nations country presences. Increased resources are required to enhance United Nations technical assistance to Member States in the domestic implementation of international norms and standards.

15. For 60 years the Organization has been engaged in the development of international norms and standards. Nevertheless, the integration of rule of law activities into our major country-level operations is relatively recent. Since the 1990s, there has been a prominent shift towards more engagement at the country level. United Nations development, peace and security, and human rights actors increasingly provide rule of law assistance in countries at the request of Governments. The demand for United Nations rule of law assistance at the national level continues to grow. For example, over 12,000 United Nations police officers, out of an authorized strength of 16,900, are deployed in 19 peace operations, representing an increase of more than 100 per cent in personnel deployed in this sector since 2006.

16. Despite significant progress in operationalizing rule of law assistance, our engagement is sometimes still ad hoc at the country level. National authorities increasingly prioritize rule of law objectives and incorporate them in development progress reports and plans, such as poverty reduction strategy papers. United Nations country presences are not always equipped to support the rule of law goals of host countries. More needs to be done to ensure that United Nations leadership at the country level places the rule of law at the centre, rather than the periphery, of our initiatives in the field. Our core activities under planning frameworks, such as common country assessments and United Nations development assistance frameworks, do not systematically address rule of law issues. And where they do, too often strategies and time frames are unrealistic. Our goal must be to ensure that our rule of law approach is integrated consistently into all aspects of United Nations engagement in countries.

C. United Nations approach to rule of law assistance at the national level

17. For the peoples of the United Nations, the rule of law is most meaningful in the context of their daily lives. The rule of law involves adherence to a principle of governance whereby all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. It requires as well measures to ensure adherence to the principles of supremacy of the law, equality before the law, accountability to the law, fairness in the application of the law, separation of

powers, participation in decision-making, legal certainty, avoidance of arbitrariness, and procedural and legal transparency.[10]

18. The United Nations has learned lessons from its experience in rule of law assistance at the national level which form the basis for our current engagement in all contexts. Our assistance is founded on the Charter and international norms and standards, which define the parameters of our work. The United Nations responsibility is to help establish the rule of law for all on the basis of equality and non-discrimination, with due attention to the rights and specific vulnerabilities of groups subject to marginalization.

19. Strengthening the rule of law is a difficult, complex and long-term task, the success of which depends on the commitment of the national communities with whom the United Nations works. No rule of law programme can be successful in the long term if imposed from the outside. It requires in-depth understanding of the political context and grounding in national assessments, needs and aspirations. Leadership and decision-making for the programme must be in the hands of national stakeholders. Political will on the part of national authorities is essential. National ownership also involves public consultation based on the principles of inclusion, participation, transparency and accountability. A key part of United Nations rule of law engagement is support for reform constituencies and the legal empowerment of all sectors of society so that all voices can be heard when national priorities are being set.

20. The United Nations works to support a rule of law framework at the national level: that framework includes a Constitution or its equivalent, as the highest law of the land; clear and consistent legal framework, and implementation thereof; strong institutions of justice, governance, security and human rights that are well-structured, financed, trained and equipped; transitional justice processes and mechanisms; and a public and civil society that contributes to strengthening the rule of law and holding public officials and institutions accountable. These are the norms, policies, institutions and processes that form the core of a society in which individuals feel safe and secure, where disputes are settled peacefully and effective redress is available for harm suffered, and where all who violate the law, including the State itself, are held to account.

21. In 2008, in a guidance note on a United Nations approach to rule of law assistance, produced by the Rule of Law Coordination and Resource Group and the Rule of Law Unit, a common system-wide approach to the rule of law at the national level was laid out. The overarching guiding principles and the policy framework to guide United Nations assistance set out in the guidance note should help to ensure coherent, coordinated and effective efforts.

D. Fostering the rule of law at the international level

22. The inventory clearly demonstrates that activities to promote the rule of law at the international level are integral to the work of the Organization. Yet, there is much to be reaffirmed and strengthened with respect to our approach to the rule of law at the international level.

[10] S/2004/616, para. 6.

23. The rule of law at the international level is an aim that predates the United Nations and, as with the rule of law at the national level, striving to achieve it is a perpetual endeavour.[1] The Charter reminds us that one of the aims of the Organization is to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained.

24. The principle of the rule of law embedded in the Charter of the United Nations encompasses elements relevant to the conduct of State to State relations. The main United Nations organs, including the General Assembly and the Security Council, have essential roles in this regard, which are derived from and require action in accordance with the provisions of the Charter. In fulfilling its responsibilities, the United Nations must work towards achieving appropriate application at the international level of the Organization's understanding of the principle of the rule of law.

25. Efforts to do so must be based on commonly agreed values. Drawn from existing commitments in the Charter of the United Nations, the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States,[11] and the 2005 World Summit Outcome Document and multilateral treaties, our engagement is rooted in:

(a) Respect for the Charter of the United Nations and international law, which are indispensable foundations for a more peaceful, prosperous and just world;

(b) Recognition that peace and security, development, human rights, the rule of law and democracy are interlinked and mutually reinforcing, and that they form part of the universal and indivisible core values and principles of the United Nations;

(c) Recognition that an effective multilateral system in accordance with international law is essential to address the multifaceted and interconnected challenges and threats confronting our world, and that to achieve progress in the areas of peace and security, development and human rights requires a strong and effective United Nations playing a central role through the implementation of its decisions and resolutions;

(d) Respect for the sovereign equality of States and the need to promote the non-use or threat of use of force against the territorial integrity or political independence of any State in any manner inconsistent with the Charter of the United Nations;

(e) The need to resolve disputes by peaceful means in conformity with the Charter of the United Nations, the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States, and the principles of justice and international law;

(f) Respect for and protection of human rights and fundamental freedoms, the right of peoples to self-determination, and the equal rights of all, without distinction as to race, sex, language or religion;

(g) Recognition that protection from genocide, crimes against humanity, ethnic cleansing and war crimes is not only a responsibility owed by a State to its population, but also a responsibility of the international community.

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[11] General Assembly resolution 2625 (XXV) of 24 October 1970, annex.

26. In the face of grave challenges to the international order, we cannot afford to lose sight of our core values. Member States should renew their commitment to the principles referred to above.

27. The Organization has little credibility if it fails to apply the rule of law to itself. The United Nations is a creation of international law, established by treaty, and its activities are governed by the rules set out in its Charter. Appropriate rules of international law apply mutatis mutandis to the Organization as they do to States.

28. In the light of its responsibilities, the United Nations has a special duty to offer its staff timely, effective and fair justice through its internal justice system. I am pleased to note progress on this issue and look forward to the commencement of the new system. Similarly, due process concerns are critical in relation to Security Council sanctions regimes. A focal point to receive requests for de-listing has been established, reflecting the widely shared perception that action was needed. I consider further advances to be necessary, not only to protect individual rights, but also to maintain the effectiveness of sanctions. I remain committed to the implementation of the 10 principles of the United Nations Global Compact in the internal management of the Organization.

29. One of the greatest achievements of the United Nations is the comprehensive corpus of international norms and standards developed under its auspices. The progressive development and codification of international law is a dynamic process and an essential part of the work of the Organization. The United Nations could do more to link its capacity-building on general treaty ratification with legal training on the domestic implementation of substantive areas of international law.

30. The greatest challenges often come in fully implementing international norms and thereby realizing the potential they hold for ensuring a better world. Violations of international law are still too frequent, means of accountability too few and the political will to ensure compliance with international law too weak. To advance the rule of law at the international level, the work of the International Court of Justice and other international dispute resolution mechanisms must be strengthened (resolution 60/1, para. 134 (f)). We must recognize that strengthening judicial and non-judicial mechanisms, such as arbitration and conciliation, which uphold binding commitments relating to trade and investment greatly contributes to the promotion of the rule of law.

31. Despite the advances in international criminal justice, which have resulted in an enforceable body of international criminal law, impunity for atrocities continues in many places. This culture of impunity constantly reminds us of profound rule of law deficits. Renewed efforts to combat impunity and strengthen universal justice involve increased assistance to Member States to enable them to hold perpetrators to account and provide victims with redress, support for all forms of transitional justice mechanisms and greater attention to the legacy of international and hybrid tribunals, the exercise of universal jurisdiction, as appropriate, and the universalization of the Rome Statute and unequivocal support of the International Criminal Court.

32. The United Nations should focus on the critical interface between international and national rule of law, finding better ways to support Member States and their populations in the domestic implementation of international norms and standards, working to achieve compliance with international obligations and, most critically,

strengthening the institutions, policies, processes and conditions that ensure effective enforcement and enjoyment of a just national and international order.

III. Strengthening and coordinating United Nations rule of law activities

A. Enhancing and harmonizing United Nations engagement

33. Since 2006, we have worked towards implementing new system-wide arrangements comprising the Rule of Law Coordination and Resource Group, supported by the Rule of Law Unit, a system of non-exclusive lead entities for various rule of law subsectors and efforts to deepen the Organization's capacities in this field. The lead entities bear certain responsibilities in their designated area at the global and country levels, such as developing guidelines, best practices and training.[12]

34. While these arrangements are still in the early phases of implementation, some progress has been made. Key entities, such as the Department of Peacekeeping Operations, the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the United Nations Development Programme (UNDP) have taken steps to strengthen their capacities in terms of institutional structure, personnel and financial resources to better support rule of law and transitional justice activities, particularly in conflict and post-conflict States. Within the Department of Political Affairs, a standby team of mediation experts — including experts on Constitution-making, security arrangements, transitional justice and human rights, and power-sharing — is rapidly deployable to advise United Nations officials leading mediation and conflict prevention efforts. The Department of Peacekeeping Operations is exploring the possibility of establishing a rapidly deployable capacity in other rule of law areas, to complement the standing police capacity.

35. Efforts are also ongoing to fill gaps in our rule of law capacities and approaches. In the absence of basic security, efforts to adopt new laws, strengthen rule of law institutions and promote confidence in governance are futile. Since 2006, progress has been made in strengthening United Nations support to security institutions in establishing, restoring, supporting and upholding the rule of law.[13] Support to security institutions, other than law enforcement agencies, has been an underserved aspect of our rule of law work. Effective, professional and accountable security institutions that protect human rights are necessary for laying the foundations for peace and development. The Department of Peacekeeping Operations has developed a small capacity to provide backstopping and technical assistance to the field on security sector reform.

36. Through the new arrangements, the Organization has also articulated a common approach to justice for children, under the leadership of the United Nations Children's Fund (UNICEF). The approach seeks to ensure more attention to children's issues in existing rule of law activities, while also outlining additional efforts necessary to strengthen justice for children in particular. This initiative,

[12] A/61/636-S/2006/980, paras. 37-47.

[13] See S/PRST/2008/14.

which is aimed at reducing fragmentation and parallel approaches, is an example of excellent progress in our efforts to achieve coherence.

37. In a number of rule of law areas the Organization needs to deepen its expertise and capacity. The United Nations has focused traditionally on helping to strengthen rule of law institutions to enable them to meet their obligations to the public. To that end, strengthened capacity in governance, management and oversight is needed. Strengthening capacity involves greater public administration expertise on rule of law institutions, including in financial, budgetary, management and institutional development areas. It also requires more support to parliaments in their legislative and oversight functions, to the independence and integrity of the judiciary and its oversight of security institutions, and to the development of mechanisms of accountability. Malfeasance and corruption within the institutions required to protect the rule of law constitute an immense challenge to our efforts. System-wide guidance, institutional knowledge and expertise, and effective programming in these areas need to be increased substantially.

38. Assistance to rule of law institutions that are inherently flawed can be ineffective, and even counterproductive, if not underpinned by a strategy and principled policy dialogue. While reform of central institutions is critical to advancing State responsibility, community-level approaches should complement emphasis on top-down governance. The importance of popular support for the rule of law and of civil society's demand for justice and security has often been overlooked. Communities gain most from legal protection and lose most by its absence. Development of strong State institutions, usually a long-term goal, is less likely where legal processes are not understood, access to justice is limited and impunity for crime and other violations undermines confidence in State institutions. Some United Nations entities focus on crime prevention, and legal empowerment and access to justice for the poor. More attention is needed to exploiting the potential such approaches hold for improving rule of law outcomes across the spectrum of our engagement.

39. In many countries where the United Nations provides assistance, informal or non-State justice systems handle the majority of disputes, particularly in rural and poor localities. The procedural and substantive aspects of these systems vary widely among States and within them. Their relationships to formal State justice systems are also diverse. These informal systems usually address common problems facing communities, such as land and property disputes, family cases and petty crime. Access to these systems and familiarity with them can be significantly greater than is the case for the formal justice system.

40. The United Nations system requires clarity on how to address informal justice systems in the rule of law environments in which it works. We need to better understand how they function, their impact on individual rights, particularly women's and children's rights, and community security, and perceptions of their fairness and effectiveness in order to consider a more thoughtful, coherent approach in our interventions. Although we are in the initial phase of this endeavour, joint UNDP, UNICEF and United Nations Development Fund for Women research initiative on informal justice systems that is under way should contribute to further understanding of the issues.

41. More urgent attention is needed to our rule of law response to continuing impunity for widespread sexual violence in a number of armed conflicts and high

levels of unpunished sexual and domestic violence globally.[14] While this is a cross-cutting issue, it must also be a rule of law priority. The Security Council, in its resolution 1820 (2008) on sexual violence, stressed the importance of ending impunity and strengthening the capacities of national institutions, in particular judicial systems. United Nations assistance should support Member States to prevent sexual violence, assist victims and investigate, prosecute and hold perpetrators accountable. Some efforts are being made. The United Nations requires enhanced capacity in this regard. UNDP has made access to justice for victims of sexual and gender-based violence a priority in its conflict and post-conflict rule of law programming.

42. Another rule of law priority area is housing, land and property. Addressing needs in this area is critical to the protection of civilians in armed conflict and post-conflict settings.[15] While the need is great and immediate in that context, the resolution of housing, land and property disputes and the protection of property and inheritance rights are also important for peacebuilding, economic and social development, and promoting gender equality. Our engagement on these issues has been ad hoc, and our capacities insufficient and fragmented. Efforts by the Office of the United Nations High Commissioner for Refugees (UNHCR) and the United Nations Human Settlements Programme to capture lessons and good practices provide a foundation on which to develop a systematic, comprehensive and strategic approach to and capacities on housing, land and property.

43. Through United Nations assistance to several Constitution-making processes over many years, we have learned some lessons concerning the need for: overall policy guidance on constitutional assistance; systematic approaches that build on good practices; fortifying institutional memory; building technical expertise to support peace operations and national actors; and assisting national actors to develop plans for the implementation and monitoring of Constitutions once adopted. A new system-wide approach emphasizes that United Nations assistance should contribute to inclusive, participatory and transparent Constitution-making processes. Such an approach requires early advance planning, and political, human rights and institutional development expertise. While this approach is a major step forward, the relevant technical expertise and institutional memory to support it remain insufficient.

44. As the United Nations strengthens its capacities to meet Member States' requests for rule of law assistance, ensuring appropriately balanced and responsive engagement is imperative. The Organization has recognized that integrated criminal justice reform requires not only policing but also judicial and corrections assistance; and more focus on security institutions must be coupled with equal emphasis on interlinked justice issues. It is increasingly apparent that our rule of law approach needs to be consistent and continuous throughout our engagement, from peacemaking to peacebuilding to long-term development. Ensuring early and appropriate engagement on the rule of law in a country context is the cornerstone of coherent, strategic intervention and long-term success, particularly in conflict and post-conflict environments.

[14] S/2007/643, paras. 43-51.

[15] Ibid., paras. 52-59.

45. A balanced perspective requires that our rule of law activities ensure the protection and promotion not only of civil and political rights but, equally, of economic, social and cultural rights. In this regard, attention to civil law matters that are critical in the country context is warranted. Harmonizing our work also means marrying support to Government institutions with support to community-based initiatives for change.

B. Ensuring strategic coordination and coherence in United Nations collective efforts

46. Much has been made of ensuring strategic coordination of the work of the Organization, and work in the rule of law area is no exception in this respect. The call for coordination stems from the recognition that the United Nations brings together a unique wealth of expertise and resources on rule of law issues that must be better marshalled. Coordination is not an end in itself but a means of improving the effectiveness of the United Nations in delivering on its mandates and responding to emerging challenges in the rule of law field. Coordination is needed to eliminate overlap and duplication, and to minimize inefficiency and maximize synergies.

47. Since 2006, the Organization has taken steps to address these issues. Ultimately, under my authority and direction, the responsibility for the overall coordination of the Organization's rule of law work rests with the Rule of Law Coordination and Resource Group, chaired by the Deputy Secretary-General.[16] The Group's role is to ensure coherence and minimize fragmentation across all thematic areas, including justice, security, prison and penal reform, legal reform, Constitution-making, and transitional justice.[17] The mission of its members is to work together and in support of one another, in the spirit of shared values and principles, to ensure effective and coherent United Nations rule of law efforts that are aligned with the aspirations of our partners at the international and national levels.

48. In carrying out and implementing their functions, the Deputy Secretary-General and the Group are supported by the Rule of Law Unit. The substantive support functions of the Unit fall into three broad areas of activity: ensuring coordination and coherence among the many United Nations entities engaged in rule of law activities; developing system-wide strategies, policy direction and guidance for the Organization's activities in promoting the rule of law; and enhancing partnerships between the United Nations and other rule of law actors. The support for these new arrangements expressed by Member States in General Assembly resolution 62/70 has been encouraging.

49. The United Nations strategic approach to rule of law assistance at the national level outlined in my guidance note focuses on conducting joint, thorough assessments with the meaningful participation of national stakeholders to determine rule of law needs; supporting the development of a comprehensive rule of law strategy; formulating joint United Nations rule of law programmes; and assigning

[16] A/61/636-S/2006/980, paras. 48-50.

[17] The membership of the Group consists of the Department of Political Affairs, the Department of Peacekeeping Operations, OHCHR, the Office of Legal Affairs, UNDP, UNICEF, UNHCR, the United Nations Development Fund for Women (UNIFEM) and the United Nations Office on Drugs and Crime (UNODC).

implementation responsibilities and ensuring accountability. We have yet to see systematic joint assessments and strategies using common frameworks, and joint programming with shared workplans and budgets.

50. The Group is developing a joint strategic plan (2009-2011) for the implementation of this common approach to improving the quality of the rule of law assistance the United Nations provides to Member States. In the plan it is intended to identify a shared vision, objectives and joint activities that maximize areas of synergy and complementarity while minimizing overlap and duplication. This first plan will be targeted and prioritize key areas for collective achievement. Our initial effort is modest and results-oriented.

51. I am encouraged that the Organization has begun to take a strategic and results-based approach to its rule of law work. In this regard, the Group is also considering how best to provide consolidated United Nations rule of law support to peacebuilding efforts. As we gain experience, we must explore global rule of law strategies that engage more Member States, civil society and other stakeholders.

52. Another priority of the Group is to ensure policy coherence of the United Nations system on rule of law issues. The multiplicity of entities engaged in these issues makes it vital that the Organization work with a shared understanding, using a common framework.

53. Guidance without training and implementation is hollow. A systematic staff training regime that addresses the operational needs of the United Nations at the country level is necessary to ensure substantive knowledge of and fluency in United Nations norms, standards and rule of law approaches. The Organization requires a stronger cadre of professional and well-trained personnel if the quality of assistance provided to Member States is to be improved.

54. Analysis of the inventory indicates that coordination and coherence efforts should not be limited to a core group of United Nations entities. Combined efforts often lead to a multiplier effect. As other United Nations actors undertake rule of law-related work, the coordination and substantive role of the Group becomes increasingly important to ensure that activities are not duplicated, and that the substantive expertise and resources of the members of the Group are fully mobilized. Lead entities have coordination and collaboration responsibilities in their respective rule of law subsectors and will take action to meet their responsibilities.

55. Where there are multiple entities working in a technical area, it is useful for intergovernmental mandates to recognize that expertise is spread throughout the United Nations system and to encourage cooperation among the many entities involved. Several entities can play a vital role in providing rule of law assistance by operating individually and within small groups, in their specific sectors. Various formal and informal coordination mechanisms have been established in technical rule of law areas. The Interagency Panel on Juvenile Justice[18] coordinates technical assistance to Member States on juvenile justice. The Counter-terrorism

[18] The membership of the Panel consists of the Department of Peacekeeping Operations, OHCHR, UNDP, UNICEF, UNODC, the Committee on the Rights of the Child and non-governmental organizations, including Defence for Children International, International Association of Youth and Family Judges and Magistrates, International Juvenile Justice Observatory, Penal Reform International, Save the Children UK, Terre des Hommes and the World Organization against Torture.

Implementation Task Force[19] coordinates action within and beyond the United Nations system on technical assistance to Member States. An example of informal coordination is inter-agency cooperation among the United Nations Conference on Trade and Development, the World Health Organization, the World Intellectual Property Organization, the World Trade Organization, UNDP, the South Centre and the Commonwealth Secretariat, whose respective focal points strive to ensure complementarity and maximize synergies on activities relating to intellectual property and public health.

56. The Group's efforts to coordinate the wider set of United Nations rule of law actors include provision for yearly meetings to share information; strengthen the nexus between normative and operational work; ensure synergies on domestic implementation of international law; and address more effectively and consistently the same national actors (for example, judges, prosecutors, prison officials, police, parliamentarians) to avoid burdening them unduly and the risk of confusion. These meetings should serve to avoid duplication and to draw on Headquarters-level expertise, ensuring it reaches field locations, even where highly specialized entities may not have a physical presence.

57. Previously, the Group was tasked with acting as a repository for the Organization's rule of law materials and best practices, and establishing and managing web resources. A United Nations system-wide rule of law website and electronic repository will be a central promotional and educational resource that serves as a gateway to the United Nations system's rule of law-related websites. It will also make information about United Nations rule of law activities and the various related tools, documents and materials widely accessible.

58. The financial resources available for United Nations rule of law activities from either regular budget or voluntary contributions are limited. A rule of law trust fund could present another vehicle for promoting coordination and coherence, and as we progress on this front such a fund could be needed. Ways to maximize available financial resources for these activities will be explored, including the possibility of establishing a rule of law trust fund.

C. Measuring the effectiveness and evaluating the impact of United Nations rule of law assistance

59. In requesting the present report, the General Assembly stressed the need to pay special attention to the effectiveness of United Nations rule of law assistance. Substantial scope exists to improve the knowledge base in this area. This is true for the rule of law field generally, where there are high-level goals and even higher expectations of delivery. This has often led to overly ambitious programming,

[19] The membership of the Task Force consists of the Department of Political Affairs, the Department of Peacekeeping Operations, the Department of Public Information, the Department of Safety and Security, the Office for Disarmament Affairs, the Office of Legal Affairs, the Office of the United Nations High Commissioner for Human Rights, UNDP, UNESCO, the United Nations Interregional Crime and Justice Research Institute, UNODC, 1540 Committee experts, the International Atomic Energy Agency, the International Civil Aviation Organization, the International Maritime Organization, the International Monetary Fund, INTERPOL, the 1267 Committee monitoring team, the World Customs Organization, the World Health Organization and the World Bank.

expected to achieve a major impact in unrealistically short time frames. While we must continue to strive for a world governed by the rule of law, we must manage effectively expectations of what rule of law programming can achieve.

60. Meaningful learning about the effectiveness of assistance has not kept pace with the amount of rule of law activity on the ground. The United Nations still needs to improve its knowledge of sound methodologies for supporting the development of vibrant rule of law institutions. The paucity of applied research and empirical study on the effectiveness of assistance hampers our progress on this front. It has not been customary to conduct empirical research in this field, and there has been slowness to learn from the research practices of other disciplines.

61. Individual United Nations entities gather lessons learned and collectively this knowledge has contributed to greater understanding of the effectiveness of assistance in some technical areas. However, many of the lessons learned are anecdotal and limited in application. There are structural impediments to the Organization's ability to gain knowledge, including the insufficiency of resources dedicated to serious reflection and research on our efforts.

62. Endeavours are being made to improve our understanding of rule of law development. UNICEF and UNODC have published the *Manual for the Measurement of Juvenile Justice Indicators*. The Department of Peacekeeping Operations and OHCHR will jointly implement a project to develop indicators for the empirical and objective assessment of important rule of law factors in a given country, particularly in conflict and post-conflict societies. UNDP will implement a project to develop indicators for national authorities to measure implementation of national criminal and civil justice development plans. The United Nations also needs to galvanize research centres and academia to sponsor applied research and scholarship on rule of law assistance.

63. Rule of law programmes have frequently been conceived without proper methods to evaluate their impact on institutions or society at large. While individual programmes are monitored, the sharing of results across the United Nations system is limited. Measuring our effectiveness is often hampered by incomplete baseline data and no system-wide agreement exists on means to monitor and evaluate programming. Thus, rule of law practitioners have yet to move away from emphasizing quantitative data, such as the number of personnel trained, to understanding the actual impact of United Nations initiatives.

64. To rationalize United Nations engagement in rule of law assistance, we need to evaluate the impact of our programming on the lives of the peoples the Organization serves. Movement towards joint assessments, strategies and programming in the field will assist in standardizing evaluation efforts and making results more relevant across the system. We must empirically analyse and assess the effectiveness of the Organization's rule of law activities to demonstrate their tangible impact.

D. Partnerships

65. Successful rule of law assistance requires the active engagement of all stakeholders working to implement a comprehensive strategy in a coordinated fashion. The success of United Nations assistance thus is linked to meaningful partnerships. This work encompasses numerous activities carried out by countless

entities across the international community. In many countries, the United Nations remains a small rule of law actor. Bilateral and other international organizations provide much of the assistance. Regional and non-governmental organizations also play roles in reform efforts. Research institutes and social scientists are other important partners in developing knowledge. As a key partner, civil society not only creates demand for change but also contributes to achieving it.

66. A critical part of the United Nations rule of law approach is the pursuit of strong and durable partnerships with all stakeholders to promote shared objectives and coherent programming. United Nations efforts towards institutional coordination and coherence in rule of law assistance will result in little if not coupled with similar initiatives within the broader international community.

67. Rule of law assistance has often been piecemeal and donor-driven, resulting in contradictory development of justice and security institutions and short-term, superficial gains at the cost of longer-term, sustainable reform. Competition and even rivalry among major bilateral donors advocating for their own national models and solutions continue to damage the impact and credibility of rule of law efforts. Experience illustrates that country-level coordination is harder where global leadership, coordination and coherence are lacking.

68. The rule of law community is hampered by technical obstacles, such as incompatible or burdensome funding mechanisms. The work suffers from the lack of a donor coordination structure and a poor understanding of the scale and impact of contributions. The collective knowledge base remains thin and, despite the many ad hoc conferences and networks, leadership in the professionalization of the rule of law field is absent.

69. I look to Member States to commit to themselves to promoting an agenda for the international community to achieve coherence in its rule of law activities. Steps in this direction could include a process to reach consensus on donor and assistance policy and strategic frameworks, fortifying commitments made in the Paris Declaration on Aid Effectiveness by strengthening their application in the rule of law field, developing tools to share knowledge across institutions, and establishing coordination structures.

70. These are no simple tasks. But as the United Nations system begins to implement its new approach of joint assessment, programming and evaluation, it will be better placed to engage in strategic partnerships with others. Consolidating partnerships is an important goal of the Rule of Law Coordination and Resource Group. At the same time, Member States and other partners must do their part and together take concrete steps to achieving more global coherence in the rule of law field.

71. The most important partnerships are with the national rule of law stakeholders in countries receiving assistance. Despite this, the voices of national actors have been notably absent from the global discussion on rule of law assistance, which has been replete with international experts. Government and civil society stakeholders within recipient countries can provide substantive insight on the dynamics underlying key concepts such as national ownership. Moreover, they might question fundamental aspects of current approaches and suggest innovations to improve the likelihood of success.

72. Efforts to make progress in our assistance are likely to remain incomplete until this imbalance is redressed. The United Nations can help to create space for the

perspectives of national actors to be expressed candidly and robustly to the international community, in order to enrich the debate on the effectiveness of rule of law assistance. Initiatives that support national actors within their country contexts to develop studies and analyses of assistance are a starting point. More needs to be done to identify and draw upon national expertise.

73. There is also a need to explore ways to strengthen partnerships for the promotion of the rule of law at the international level. That cannot be achieved without the full engagement of key stakeholders, particularly Member States. There are sensitivities that may test multilateral cooperation, and trust and commitment among the membership of the United Nations will be critical. I have faith that facing those issues together will only strengthen our Organization. I welcome the opportunity to engage in an open, ongoing dialogue to that end.

IV. Cultivating a just, secure and peaceful world governed by the rule of law

74. The inventory is testament to the Organization's role as the global centre for the promotion of the rule of law at the national and international levels. While progress has been made, we still face challenges in realizing the benefit that international norms and standards hold for the peoples of the United Nations. The focus should remain on the critical interface between national and international rule of law and on effectively assisting Member States and their populations to develop the capacities to ensure effective enforcement and enjoyment of a just national and international order. Our newly established coordination and coherence efforts must be targeted to that end.

75. The time has come for Member States, the United Nations, donors and civil society to take deliberate action to move the rule of law agenda forward. The present report highlights ways and means of strengthening and coordinating the Organization's rule of law activities. Yet, to be effective, all key stakeholders must work as one rule of law community.

76. With a view to achieving that goal, I recommend that Member States and other rule of law stakeholders, where appropriate:

(a) Work towards appropriate application of the Organization's understanding of the rule of law as a principle at the international level and reaffirm their existing commitments to the rule of law;

(b) Accept the jurisdiction of the International Court of Justice, in accordance with its Statute, and strengthen the work of the Court and other international dispute resolution mechanisms;

(c) Progressively develop and codify international law and standards, ratify international treaties, abide by the rules of customary international law, including the peremptory norms of general international law (*jus cogens*), and implement effectively all aspects of international law;

(d) Renew efforts to combat impunity and strengthen universal justice by providing concrete support to Member States' capacities, and national and international transitional justice and accountability mechanisms, including attention to the legacy of international and hybrid tribunals;

(e) Recognize the importance of the rule of law to peacemaking, peacekeeping, peacebuilding and development in United Nations resolutions, and ensure comprehensive mandates and sufficient resources for United Nations rule of law activities that support national policies, priorities and plans;

(f) Advance donor coherence by fostering consensus on assistance policies, applying the Paris Declaration on Aid Effectiveness to rule of law assistance and establishing donor coordination structures to support coherent and well-resourced rule of law efforts;

(g) Support strongly the overall coordination and coherence role of the Rule of Law Coordination and Resource Group, supported by the Rule of Law Unit, and the development of the joint strategic plan on the rule of law (2009-2011);

(h) Ensure the Rule of Law Unit is well-resourced to enable it to support the Rule of Law Coordination and Resource Group in fulfilling its substantive responsibilities, including supporting the peacebuilding architecture.

77. Furthermore, I will request the United Nations system generally to explore means to:

(a) Enhance sustainable technical assistance to Member States for the effective domestic implementation of international norms and standards, provided that the necessary resources are made available;

(b) Integrate and address systemically aspects of the rule of law in United Nations country engagement, including in strategy papers, planning frameworks, and mission and progress reports, such as Millennium Development Goals reports;

(c) Strengthen its rule of law capacities, with the support of Member States, in the areas of governance, management and oversight; crime prevention; access to justice, legal empowerment and informal justice systems; sexual and gender-based violence; housing, land and property; and Constitution-making;

(d) Assess the effectiveness of our rule of law activities, by evaluating empirically the impact of United Nations operations and programming.

78. With a view to overall coordination and coherence of United Nations rule of law activities and under the leadership of the Deputy Secretary-General, the Rule of Law Coordination and Resource Group and the Rule of Law Unit will:

(a) Implement the joint strategic plan for the application of the United Nations approach to rule of law assistance, including through policy coherence and unified training;

(b) Reach out to the wider set of United Nations actors through yearly forums to increase the coordination of all rule of law assistance;

(c) Initiate a process with rule of law partners to develop an agenda for applied research and scholarship on rule of law assistance;

(d) Provide a forum for national actors from recipient countries to express their perspectives on the effectiveness of rule of law assistance, with a view to issuing a report;

(e) Initiate a dialogue with Member States on strengthening promotion of the rule of law at the international level.

Annex

Views expressed by Member States

1. In its resolution 62/70, the General Assembly requested the Secretary-General to seek the views of Member States before preparing the present report.

2. By a note verbale dated 28 March 2008 the Secretary-General invited Governments to submit, no later than 16 May 2008, their views pertaining to the issues to be addressed in the report.

3. The Secretary-General received the views of Belarus (16 May 2008), Cuba (16 May 2008), Ecuador (2 June 2008), Japan (6 June 2008), Kuwait (8 May 2008), the Libyan Arab Jamahiriya (16 May 2008), Mexico (16 May 2008), Mongolia (13 May 2008), Norway (16 June 2008), Slovenia (in its capacity as Presidency of the European Union, 19 May 2008), Sweden (19 May 2008), and Switzerland (30 May 2008). Those views are presented below.

Belarus

[Original: Russian]

The Republic of Belarus has, on the whole, a positive view of the contribution by the United Nations to the cause of strengthening the principle of the rule of law. We welcome the initiative by the United Nations to draw attention to this question and the establishment of the Rule of Law Coordination and Resource Group.

It should be noted that, in spite of the widespread promotion of the concept of the rule of law at the international and national levels, the keen perception of the importance of this principle in international relations has diminished over the past decade. States and the United Nations itself have constantly referred to the need to construct a modern world order with the assistance of and within the framework of the law, and not by the use of force. Nevertheless, the number of violations of international law has not diminished. A casual observer of world events would have the impression that law in contemporary politics is something rather ephemeral, since it is discussed at great deal but can be easily sacrificed for the sake of political necessity. This approach significantly devalues the principle of the rule of law at both the international and national levels. It is, in part, precisely this dangerous tendency that has caused concern to States and resulted in the inclusion of the corresponding item in the agenda of the United Nations.

There is no doubt that the United Nations, as the most authoritative universal international organization, has always supported and promoted the principle of the rule of law, which is enshrined in its Charter. The interim report shows that a large number of organizational units of the United Nations are contributing to this work to one extent or another.

It is not sufficient, however, to demonstrate one's commitment to law and the importance of the principle of the rule of law. If it is not possible to prevent violations of international law and the Charter of the United Nations, the consequences of such violations must be clearly pointed out and forthrightly condemned. It is in this area that the work of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization in preparing the Repertoire of the Practice of the Security Council and the Repertory of

Practice of United Nations Organs is important. The historical record of the activities of the main United Nations organs is important for an objective assessment of their effectiveness. The repertories of practice will be of interest not only to specialists but also to a broad range of people.

The Sixth Committee of the General Assembly and the International Law Commission can make an important contribution to strengthening the principle of the rule of law. Unfortunately, however, for a long time States have been unable to reach consensus on a number of important documents prepared by the International Law Commission, including the draft articles on the responsibility of States for internationally wrongful acts.

Insufficient use is made of the possibility of requesting the International Court of Justice to issue advisory opinions on various questions of international law, particularly on the consequences of taking decisions that violate the principles of the Charter of the United Nations.

One of the reasons for the decline in the authority of the law is the low quality of international standard-setting practice, which results in the inclusion of ambiguous and unclear terms in documents when the integrity and effectiveness of international legal instruments are sacrificed in order to solve current political problems.

The rule of law at the international and national levels would be promoted by more active work on the part of the Office of Legal Affairs of the United Nations Secretariat and other United Nations bodies in providing assistance to States in the implementation of key international agreements adopted under the auspices of the United Nations and also by organizing educational seminars and conferences and conducting other activities to disseminate knowledge of international law. Greater attention could be given to this issue in the report of the Secretary-General.

The issue of the rule of law could be one of the areas in which United Nations specialized programmes and funds could provide assistance to countries. In this connection, attention could be given to a broader acceptance of the rules of modern international trade which are being formulated by the United Nations Commission on International Trade Law (UNCITRAL), the United Nations Conference on Trade and Development (UNCTAD) and other United Nations bodies and which are an important aspect of the sustainable development of States.

Since the rule of law in a State requires sufficient understanding of and respect for legal norms not only by legal professionals but by society as a whole, the media have a special role to play in promoting a legal culture in society. The media can help to enhance the authority of the law. In this connection, the question of the role and responsibility of the media in strengthening the principle of the rule of law could be proposed as a sub-item for consideration by the Sixth Committee.

In order to draw the attention of society to the rule of law at the international and national levels, we propose that consideration should be given to convening a congress on international law or on the issue of the rule of law in order to discuss, with the participation of politicians, scholars and international legal practitioners, the most serious problems of international law and the future prospects for its development.

Cuba

[Original: Spanish]

Cuba reiterates the view expressed by the Non-Aligned Movement in its letter of 26 April 2007 addressed to the President of the General Assembly at its sixty-first session, as well as in the intervention of the Movement in the general debate on the rule of law at the national and international levels in the Sixth Committee of the General Assembly of the United Nations on 25 October 2007.

Cuba wishes to emphasize that the purposes and principles of the Charter of the United Nations and the principles of international law are indispensable for preserving and promoting economic development and social progress, international peace and security, human rights for all and the rule of law. In this context, the States Members of the United Nations must renew their commitment to defend, preserve and promote the Charter of the United Nations and international law.

Cuba wishes to highlight the need for the States Members of the United Nations to fully respect the functions and powers of the principal organs of the Organization, in particular the General Assembly, and for them to maintain balance among those organs, with their respective functions and powers based on the Charter.

It is also of the view that the Security Council must fully respect all the provisions of the Charter, as well as all resolutions of the General Assembly that clarify the relationship of the Council with the Assembly and the other principal organs.

Cuba notes the danger that the Security Council could usurp issues that clearly fall under the purview of the functions and powers of the other principal organs of the United Nations and its subsidiary organs, particularly the attempts of the Security Council to concern itself with issues relating to the establishment of norms and definitions concerning the General Assembly. It further emphasizes that close cooperation and coordination among all the principal organs are indispensable if the United Nations is to remain relevant and able to confront existing, new and emerging threats and challenges.

Cuba views with concern the unilateral exercise of extraterritorial criminal and civil jurisdiction on the part of domestic courts, unless authorized by international treaties or other obligations under international law. In this regard, Cuba condemns the politically motivated promulgation of national laws aimed against other States and emphasizes the negative effect of such measures on the establishment of the rule of law at the international level, and demands an end to all such measures.

Cuba firmly opposes the unilateral evaluation and certification of the conduct of States as a means of exerting pressure on some developing countries. In that regard, it holds that States must refrain from recognizing, adopting or implementing extraterritorial or unilateral coercive measures or laws, including unilateral economic sanctions and other intimidating measures.

Cuba attaches great importance to respect for the rule of law and believes that the General Assembly of the United Nations must play the principal role in the promotion and coordination of efforts in this regard. However, the international community must not take the place of national authorities in the task of establishing

or strengthening the rule of law; rather, it must provide only the support necessary, without conditions, when those authorities request it.

Cuba also holds that national customs and political and socio-economic realities must be taken into consideration when dealing with issues of assistance and cooperation, avoiding pre-established models that could hinder the resolution of problems existing in each country

Cuba is of the view that respect for the rule of law is essential for international peace and security and socio-economic development.

Ecuador

[Original: Spanish]

By strongly supporting the 2005 World Summit Outcome, which included a specific mention of universal adherence to the rule of law at the national and international levels, Ecuador reaffirmed its belief that, at both levels, the application of the general principles of law shapes and promotes an atmosphere of international peace and security that results in peaceful coexistence and effective cooperation.

One of the pillars of the cooperation the United Nations system offers to Ecuador is "democratic governance". As part of this pillar, the country is receiving assistance with the following projects:

Reform and modernization of the Ecuadorian Social Security Institute;

Development of the system of democratic governance;

Transparent municipalities: strengthening of the Guayaquil municipal government;

Support for strengthening of the Consortium of Provincial Councils of Ecuador;

Strengthening of the management of citizen security, coexistence and justice in the Quito Metropolitan District;

Public transport in the Quito Metropolitan District, phase II;

Support to democracy in Ecuador; strengthening of the Office of the State Controller-General;

Participatory and transparent municipal management;

Strengthening of local governments — UNDP-Habitat;

Re-establishment of the institutions of the Supreme Court of Justice and the high courts of Ecuador;

Support to nationalization of public transport in Cuenca;

Institutional development for the Banco Nacional de Fomento (National Development Bank);

Enjoyment of human and collective rights by the indigenous peoples of Ecuador;

Support to the concession process in the port of Guayaquil;

Strengthening of transparency in management of the municipality of Colta;

Support to the legal-institutional reform and strengthening of the National Congress of Ecuador;

Participation of indigenous peoples and Afro-Ecuadorians in public policy.

It can be seen that assistance is offered by the United Nations system at the national level at various levels of government and society. Ecuador believes that this assistance strengthens the rule of law in the country.

With regard to the rule of law at the international level, Ecuador believes that the application of the general principles of law together with the principles of international law, including the norms of the Charter of the United Nations, is essential. It further believes that multilateralism is the only effective mechanism to foster international cooperation that guarantees the maintenance of international peace and security.

Ecuador therefore is making efforts towards the signing, adherence to or ratification of the various international instruments agreed at the United Nations, as a sign of its commitment to the principles of international law.

Japan

[Original: English]

1. The Government of Japan attaches importance to expanding and strengthening the rule of law in the international community. A variety of organs within the United Nations have been involved in carrying out a wide range of activities for this purpose. It appears that the activities of the organs referred to in the Secretary-General's report overlap to a significant degree, and thus there is room for streamlining. The Government of Japan hopes that the Rule of Law Coordination and Resource Group and the Rule of Law Assistance Unit, which have been established within the Secretariat of the United Nations, will play an active role in coordinating and rationalizing those activities.

2. The Government of Japan strongly supports the idea of strengthening the Rule of Law Assistance Unit, but maintains that this should be accomplished within the limits of the regular budget of the United Nations. In order to realize maximum efficiency in those activities, it is essential that the budgets of the organs currently discharging the activities relating to the rule of law at the national and the international levels be well coordinated. The level of resources that the Rule of Law Assistance Unit will require will depend upon which activities it is expected to focus on and what role it is intended to play for strengthening those activities. Prioritization of activities is crucial, especially in the light of the limited resources available.

3. Japan has been assisting developing countries in enhancing their legal systems and has had significant success in this area. Japan is also determined to make further efforts to strengthen international criminal law, in keeping with the commitment formalized through its accession to the Rome Statute of the International Criminal Court last year. The Government of Japan therefore believes that, among the activities listed in the Secretary-General's report, the Unit should focus on activities relating to assistance in the domestic implementation of international law, e.g. the provision of technical assistance in the preparation of national legal instruments (para. 6 (a) (ii); activities relating to the strengthening of administrative institutions

and to public law and governance issues (para. 6 (b) (i)), e.g. capacity-building for public officials in the field of rule of law; preparation of model laws, manuals and other tools; and activities relating to the administration of justice and law enforcement (para. 6 (b) (ii)), e.g. the provision of technical assistance and advice in the administration of justice and law enforcement.

4. These activities would contribute to enhancing the capacity of each country to accept and utilize international law by making its legal system more effective, which is the very foundation for promoting this initiative. Enhancing the capacity of post-conflict countries to accept and utilize international law would also help facilitate the establishment of a criminal justice system that conforms to internationally recognized human rights, as well as the prosecution of international crimes committed in the course of the conflict, in accordance with the complementarity of the Rome Statute.

Kuwait

[Original: English]

The State of Kuwait is of the view that the United Nations should afford Member States with assistance as follows:

(a) Provide them with studies conducted concerning difficulties encountered by the United Nations concerning the conclusion of international conventions and their implementation;

(b) Specify the suggested solutions when a contradiction occurs between the rules of international law and the rules of national law;

(c) List suggested ways of coordination to avoid contradiction between international conventions at the global level and international conventions at the regional level;

(d) Provide a study on the evaluation of the effectiveness of international conventions;

(e) Specify suggested ways to expand and diffuse legal awareness;

(f) Specify the guarantees required for the respect of international obligations, from a practical perspective.

Libyan Arab Jamahiriya

[Original: Arabic]

The competent authorities in the Libyan Arab Jamahiriya wish to reiterate their views as expressed in the report of the Secretary-General (A/62/121), in particular with regard to the following.

The General Assembly is committed to the purposes of the Charter of the United Nations and the principles of international law, with a view to establishing a more peaceful world, and considers that human rights, the rule of law and democracy are interlinked and constitute some of the values and universal principles of the United Nations.

With regard to the rule of law at the national level, one should build on the experiences of all Member States in this area, including, for example, the experience

of the Libyan Arab Jamahiriya in applying democracy through Basic People's Congresses (the legislative power) and the People's Committees (the executive power), thereby ensuring that the branches lead back to the source and authority is exercised directly by the people.

The rule of law at the international level requires that democracy should be achieved in all United Nations organs and, in particular, that the Security Council should be reformed and balanced in its membership and decision-making process. That would guarantee that Security Council resolutions are impartial and that they respect the mandate of the other United Nations organs and, especially, that of the General Assembly.

Mexico

[Original: Spanish]

First, it is suggested that at the current stage of investigation regarding the establishment of general categories and subcategories of rule of law activities, the item "activities relating to the implementation of the decisions of judicial organs of the United Nations" be added to the list of activities relating to the promotion of the rule of law at the international level.

Furthermore, the Government of Mexico is of the view that analysis of issues relating to the identification of areas of collaboration of States with bodies of the United Nations system (beyond those relating to peacekeeping operations and peacebuilding processes, in conflict and post-conflict situations) should be continued; for example, questions relating to long-term development and the administration of justice merit exploration.

Finally, the Government of Mexico wishes to reiterate the importance of United Nations rule of law assistance being provided in a comprehensive and coherent manner. In this regard, it reaffirms its wish that the Rule of Law Assistance Unit be consolidated so as to fulfil its functions efficiently.

Mongolia

[Original: English]

Information regarding the national implementation of General Assembly resolution 62/70 of 6 December 2007

Project name and code	"Access to justice and human rights" project Mon/07/103
Type of funding	Grant
Funding party	UNDP
Project duration	September 2007-September 2011
Project title	Human rights
Project outcome	Capacity enhanced for the promotion and protection of human rights and access to justice

Expected outcome		1. Capacities to implement and comply with United Nations human rights treaties strengthened 2. Capacity strengthened to implement the National Human Rights Action Programme 3. Access to justice improved for vulnerable, disadvantaged and marginalized groups
Type of assistance		1. Capacity-building 2. Awareness-raising
Implementing partner		Ministry of Justice and Home Affairs
Responsible parties		National Human Rights Commission of Mongolia, Supreme Court, Prosecutor General's Office, NGOs
Expenses	Approved budget Budget performance	US$ 500,000
Performance rate		
Project progress, results of activities		To reach the target outcomes the project is aiming to implement its activities in line with the National Human Right Action Programme, the MDG-based National Development Strategy, the National Legal Aid Programme to the Indigent and the National Programme against Domestic Violence. The following activities were implemented in accordance with the annual workplan of the project 1. Four legal aid clinics have been established, in Khentii and Uvurkhangai aimag centres, and 2 in two districts of Ulaanbaatar city 2. Provided support in promoting the UN Disability Convention in partnership with civil society organizations 3. Public discussions on human rights and freedom status report in partnership with the National Human Rights Commission of Mongolia

	4. Capacity of employees of relevant law enforcement agencies and NGOs was strengthened by participating in a seminar on the Optional Protocol to the Convention against Torture organized by the project in partnership with the Ministry of Justice and Home Affairs, "Amnesty International" Mongolia and APT, Switzerland 5. Supported the raising of human rights public awareness by facilitating the "Watch Dog" the best human rights entry at the documentary film festival 6. Supported broadcasting special human rights TV programme to increase public awareness on human rights issues
Project manager, address	Project manager, J. Khunan, room 211 of Ministry of Justice and Home Affairs building Tel: 976-51-261743
Project name and code	"Legal reform" project
Type of funding	Grant
Funding party	UNICEF
Project duration	January 2007-December 2011
Project title	Provide children's rights
Project outcome	Promote the building of a protective environment for children through capacity-building and advocacy of policymakers and implementers
Expected outcome	The implementation of existing laws on child rights and child protection reviewed, recommendations produced based on the findings and endorsed by relevant agencies. Mongolian translation of international treaties and standards on juvenile justice revised and approved by relevant Ministries. Bylaw on child-friendly procedures for juvenile prisons and pre-trial detention centres approved. Law amendments to institutionalize the diversion model drafted

Type of assistance	Develop recommendation by organizing relevant research, translate and verify treaties and documents concerning children, develop training programme and evaluate
Implementing partner	Ministry of Justice and Home Affairs of Mongolia
Responsible parties	Governor's office of Baganuur district, Governor's office of Bayangol district, Governor's office of Khentii province, Ministry of Foreign Affairs of Mongolia, Ministry of Social Welfare and Labour, School of Law of National University of Mongolia, National Legal Centre of Mongolia
Expenses: approved budget	167,500.00 US dollars for year 2008
Project progress, results of activities	Project is being implemented according to the plan
Project manager, address	Ch. Narantuya, Head of working group, room 211 of Ministry of Justice and Home Affairs building Tel: 976-11-325225

Norway

[Original: English]

1. Introduction

International law is an indisputable foundation for a more peaceful, prosperous and just world. Norway holds that the alternative to the rule of law is not only a society where power prevails over justice, it is also a society without any prospects of long-term peace and prosperity. Norway is a firm promoter of the rule of law. We were among those who applauded the inclusion of this issue both in the outcome document of the 2005 World Summit and on the Sixth Committee's 2006 agenda. Furthermore, Norway warmly welcomed the establishment of the Rule of Law Coordination and Resource Group and the Rule of Law Assistance Unit pursuant to the outcome document of the 2005 World Summit. The establishment of this Unit is promising in terms of its ability to enhance coordination and coherence throughout the whole range of United Nations activities related to the rule of law.

Moreover, Norway appreciates the efforts that have been put into preparing the Secretary-General's interim report, which provides an inventory of all the current activities in this field, and highlights the wide range of efforts undertaken by the United Nations system. We look forward to the final report. From the interim report, it is evident that coordination efforts should be strengthened to avoid unnecessary duplication and overlap with mechanisms that already exist, and to promote synergy,

efficiency and coherence among all the various actors in this field. We therefore look forward to the continued implementation of the Unit's workplan, which contains a number of important tasks related to the rule of law, such as developing a coordinated workplan for the entire United Nations system, identifying priority gaps in the Organization's capacity and establishing best practices based on the international experience gained in connection with rule of law assistance.

Ensuring effective and coherent responses to Member States' requests for assistance and promoting the rule of law in international relations are among the key objectives of the United Nations. We therefore believe it is pertinent for the General Assembly to make available to the Unit sufficient funds and resources to ensure stable working conditions. Hence it is our position that the Unit should be financed through assessed contributions in order to avoid the financial insecurity that would result from leaving the financing of the Unit to voluntary contributions from Member States.

2. Rule of law at the international and national levels

Upholding and developing an international legal order based on the rule of law is of the utmost importance in relations among States. Respect for international law is a prerequisite for international peace and security. Likewise, the rule of law is a prerequisite for sustainable development. This is particularly true in post-conflict situations, where the need for justice is greatest, but the structure for its delivery may have collapsed or lost its legitimacy.

Promotion of the rule of law is a priority for the Government of Norway and as such an integrated part of all our international activities. To mention just one of many examples, Norway has established a standby force for civilian and human rights efforts in crisis situations. Composed of civilian experts that include judges, public prosecutors, police lawyers and prison service personnel, this force has provided rule of law assistance in Afghanistan, Bosnia and Herzegovina, Georgia and Moldova.

Another important objective is the promotion of international criminal justice. Norway supports the international criminal tribunals and the International Criminal Court (ICC), including by advocating the widest possible accession to the Rome Statute. We also see the need to preserve the legacy of the special criminal tribunals. In order to strengthen national capacity to investigate and prosecute international crimes, Norway is providing funding for the ICC Legal Tools Project, an important resource base for national authorities, practitioners of law and scholars around the world.

The International Court of Justice (ICJ) is the ultimate body entrusted with the task of upholding the rule of law at the international level. However, of the 192 Member States of the United Nations, only 66 have accepted the jurisdiction of the Court in accordance with paragraph 2 of article 36 of the Court's Statute. It is our view that, since its establishment, the Court has clearly demonstrated its vital and constructive role in conflict resolution and, by extension, that both Member States and the international community would benefit greatly from wider acceptance of the Court's jurisdiction. In this regard we remind delegations that the Court's jurisdiction can be tailored to meet the needs of the individual States for dispute resolution. Norway will continue to actively promote acceptance of the Court's jurisdiction among the Member States. Reference is also made to our engagement in

the Council of Europe on this matter in the Committee of Legal Advisers on Public International Law.

3. Future work of the Sixth Committee

In accordance with resolution 61/39, the General Assembly was to identify specific sub-topics related to the rule of law that would be suitable for discussion in the Sixth Committee. Norway regrets that at its sixty-second session the General Assembly did not manage to agree on such sub-topics.

Given the broad range of activities, which are equally important and cannot be compared and weighed, we recognize the challenge of setting priorities in this field. However, in order to make progress and find common ground for coordinated and result-oriented efforts, we also see great merit in trying to narrow down the vast field of rule of law activities by identifying topics of current interest that are suitable for focused and streamlined discussions. We should avoid loosely defined, broad topics, as this would entail a risk of duplicating the discussions in other forums.

(a) Strengthening criminal justice at the national and international levels

We align ourselves with the European Union proposal that strengthening criminal justice at the national and international levels would be a suitable sub-topic, as it deals with one of the most topical and important sub-categories of the rule of law, and because the two levels in this field are very much interrelated.

The ICC is founded on the principle of complementarity. According to the Rome Statute, the Court only has a mandate to act when the relevant national criminal jurisdiction is either unwilling or unable to do so.

In this lies a preference for national criminal prosecution, if possible, even for the most serious crimes such as genocide, war crimes and crimes against humanity. Having taken this stand, it is essential to enable national jurisdictions by building solid and fair criminal justice systems, including criminal codes, criminal courts and police and prison systems. In Norway's view, capacity-building and technical training are prerequisites for implementing the principle of complementarity.

On the other hand, in a situation where the national criminal jurisdiction is unwilling or unable to act, it is of the utmost importance that the international community takes responsibility for fighting impunity. The establishment of a well-functioning permanent criminal court is important in this regard.

Another issue that could be discussed under the sub-topic of international criminal justice is the challenges connected with the termination of ad hoc tribunals — the so-called residual issues.

(b) Acceptance of compulsory jurisdiction for the International Court of Justice

Norway agrees with the view expressed by Switzerland in document A/62/121/Add.1 that the ICJ is unquestionably at the heart of the law-based international order. Having this in mind, we believe that it is important to encourage all States that have not already done so to accept the Court's compulsory jurisdiction in accordance with chapter 2, article 36, of the Statute. It is our view that, since its establishment, the Court has clearly demonstrated its vital and constructive role in

conflict resolution, and that both Member States and the international community would benefit greatly from wider acceptance of the Court's jurisdiction. This sub-topic has also been proposed by Switzerland.

(c) Strengthening and coordination of technical assistance and capacity-building efforts

Clearly, technical assistance and capacity-building are very important measures for developing, strengthening and deepening the rule of law in general. The coordination of all the various activities and efforts undertaken in this field could be a matter for discussion in the Sixth Committee. As the Secretary-General pinpoints in his interim report, there is merit in coordinating efforts in this field, so as to avoid duplication of work and to secure synergies. This sub-topic has also been proposed by Liechtenstein, which took the initiative to put the issue of the rule of law on the agenda of the Sixth Committee.

Slovenia (in its capacity as Presidency of the European Union)

[Original: English]

1. Promoting and strengthening the rule of law at the national and international levels is a key priority of the European Union. Adherence to the rule of law is critical to conflict prevention, stabilization of fragile and conflict-affected environments, and sustainable long-term development. The EU has already stressed that promoting the rule of law is an inherent primary objective of the European Union laid down in article 11 to the European Union Treaty as it can be found in the Secretary-General's report entitled "The rule of law at the national and international levels: comments and information received from Governments" (A/62/121 of 11 July 2007).

2. The European Union welcomes the broad spectrum of activities undertaken by the United Nations for the promotion of the rule of law at the national and international levels. In this respect, we are grateful for the preparation of the interim report of the Secretary-General containing preliminary information regarding the inventory of the current rule of law activities of the various organs, bodies, offices, departments, funds and programmes within the United Nations system (A/62/261), and we look forward to the final report on the inventory to be submitted to the General Assembly at its session.

3. The great number of rule of law activities and different actors makes it difficult for the United Nations to act in the field of the rule of law in a coherent and coordinated manner. The stocktaking of all rule of law activities is an important first step to enhance coherence, coordination and cooperation among the various activities and actors within the United Nations system.

4. As a second step, in our view, it would be beneficial to the United Nations system to streamline the rule of law activities listed in the inventory in order to avoid unnecessary duplication and overlap with mechanisms that already exist and to promote synergy, efficiency and coherence among the various actors. Therefore the EU supports the endeavours of the United Nations to better organize and rationalize its rule of law work, enhance its institutional memory and coordinate more effectively within the system and with outside actors.

5. Finally, as a third step, we should consider strengthening and deepening specific rule of law activities of the United Nations in certain priority areas or cases of identified capacity gaps that need to be filled. We look forward to studying any suggestions in this regard in the report of the Secretary-General identifying ways and means for strengthening and coordinating the activities listed in the inventory, with special regard to the effectiveness of assistance that may be requested by States in building capacity for the promotion of the rule of law at the national and international levels, as requested by the General Assembly in paragraph 2 of its resolution 62/70.

6. The European Union believes that the establishment of the Rule of Law Coordination and Resource Group, supported by the Rule of Law Unit in the Executive Office of the Secretary-General, under the leadership of the Deputy Secretary-General, will greatly contribute to the coherence, coordination and quality control of rule of law activities of the United Nations system, in addition to strategic planning in the fields of the rule of law and transitional justice. We call upon the Secretary-General and Member States to provide all the necessary assistance and support to the Group and the Unit in order to ensure that they can properly fulfil their important functions and work without financial, technical and administrative obstacles. The European Union looks forward to receiving detailed information on the staffing and other requirements of the Unit without further delay, as requested in General Assembly resolution 62/70. The European Union believes that it would be important to provide sustainable and permanent financing for the Rule of Law Unit as soon as possible. The absence of a budget line in the regular budget will hamper the Unit's ability to be fully operational. Finally, the EU stresses the important role of the Unit in increasing the effectiveness of assistance, in particular to facilitate assistance to Member States in building capacity for the promotion of the rule of law at the national and international levels.

The rule of law is one of the core principles on which the European Union builds its international relations and its efforts to promote peace, security and prosperity worldwide. Promoting the rule of law, on which the EU is also founded, is the EU key objective. The EU has been actively contributing to the promotion of the rule of law through, inter alia, several external actions under its Common Foreign and Security Policy, integrated rule of law missions in the framework of the European Security and Defence policy as well as other instruments and has supported a wide range of actions through country and regional funding. These activities have been complemented by measures carried out and supported by individual EU Member States. At the same time, the EU and its Member States have consistently supported initiatives to enhance the rule of law in the United Nations and have been actively supporting relevant United Nations programmes and activities, both through funding and the provision of expertise. The European Union therefore reiterates its support for the inclusion of the item "The rule of law at the national and international levels" on the agenda of the Sixth Committee at the current and forthcoming sessions of the General Assembly.

Sweden

[Original: English]

The rule of law is paramount for Sweden, at the national level as well as in international relations. It constitutes one side in a triangle of freedom where the other two sides are democracy and human rights; only where all three are strong can there be true freedom, and where one of the three is weak, the other two will never develop their full potential.

Sweden warmly welcomed the unequivocal commitment to the rule of law expressed in the Outcome Document of the 2005 World Summit, and it wholeheartedly supported the inclusion of the item "Rule of law at the national and international levels" on the agenda of the General Assembly.[a]

Sweden is grateful to the Secretary-General for undertaking the inventory on "The rule of law at the national and international levels", the report of which provides an important basis for the discussion in the Sixth Committee this autumn. The inventory is designed to facilitate consideration of the capacity of the United Nations system as a whole, as well as of particular United Nations entities, to perform a broad range of rule of law activities in response to needs of Member States. We have reason to believe it is an impressive inventory, outlining the whole range of different organs, bodies, offices, departments, funds and programmes within the United Nations system that are devoting activities to the promotion of the rule of law at the national and international levels, which provides Member States with a comprehensive and up-to-date information tool on United Nations involvement in the promotion of the rule of law.

As regards the technical capacity of the United Nations system, it is clear from the interim report that the competence and resources for rule of law assistance is devolved over a multitude of agencies, although the report also shows that the lion share of activities is carried out by a smaller group of agencies, by and large those represented in the Rule of Law Resource and Coordination Group. The inventory could in this regard be used to seek synergies to enhance the effectiveness of the system as a whole. In the quest for synergies and the facilitation of cooperation and coordination among the various United Nations entities, the central guidance from the Secretary-General is essential to ensure compliance and effective division of labour.

As regards the normative capacity, it is worth noting that the mandates providing the legal basis or authorization to carry out the respective activities will also be reflected, alongside general information about the different activities carried out through the United Nations system for the benefit of the rule of law. The fact that all agencies are operating under different mandates in this regard, is in itself additional justification for the decision of the Secretary-General to establish the Rule of Law Coordination and Resource Group, and its supporting secretariat unit.

The establishment of the Rule of Law Group, and the Rule of Law Unit, together with the pivotal role of the Deputy Secretary-General, has already provided

[a] At the World Summit, Member States unanimously acknowledged the need for "universal adherence to and implementation of the rule of law at both the national and international levels" as well as their adherence to "an international order based on the rule of law and international law". See General Assembly resolution 60/1, para. 134.

added value and has the potential of adding even more. The Secretary-General has formulated clear guidance in this regard on two separate occasions, for the benefit of the United Nations bodies and agencies, as regards the content of the rule of law as defined by the Secretary-General. In the first instance, this definition[b] pertains to rule of law promotion in general, while in the second instance the definition is further elaborated, encompassing also the particular challenges of transitional situations. The latter definition has been quoted frequently since and carries an authoritative weight that makes it ideal for presenting the rule of law vision of the whole of the United Nations system, at the international as well as at the national level.

> The rule of law is a concept at the very heart of the Organization's mission. It refers to a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. It requires, as well, measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness and procedural and legal transparency. (S/2004/616, para. 6)

Although this guidance is not frequently referred to in the inventory's respective mandate references, Sweden assumes that this guidance has been mainstreamed through the United Nations system, and in particular to the entities performing activities described in the inventory.[c]

For the sixty-third session, the inventory of current activities would be a suitable matter for discussion, based upon the forthcoming inventory report, covering both the technical and the normative capacity of the system.

Switzerland

[Original: French]

Switzerland attaches great importance to strengthening the rule of law at the national and international levels. Adherence to the rule of law both within States Members of the United Nations and in the relationship between them is essential for the establishment of a more peaceful, stable, just and prosperous world.

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[b] "Key elements of the rule of law include an independent judiciary, independent national human rights institutions, defined and limited powers of Government, fair and open elections, a legal framework protecting human rights and guidelines governing the conduct of police and other security forces that are consistent with international standards" (A/57/275, para. 1).

[c] The inventory report will follow the recent publication of the Final Report and Recommendations from the Austrian Initiative, 2004-2008, *The UN Security Council and the Rule of Law: The Role of the Security Council in Strengthening a Rules-based International System*, Simon Chesterman Institute for International Law and Justice, New York University School of Law, 2008. The report on the Austrian Initiative demonstrates the three basic elements of the rule of law that the Secretary-General's definition expands from: (i) a Government of laws, contrary to the arbitrary exercise of power; (ii) the supremacy of the law, not only over the individual but also over the sovereign and the State; and (iii) equality before the law, ensuring the application of the law to all subjects, with equal protection and no discrimination. The report goes on to demonstrate how these rule of law principles can be applied to relations between States, as well as other subjects and objects of international law.

From the outset, Switzerland has supported the inclusion of the item "The rule of law at the national and international levels" in the agenda of the General Assembly, and will reiterate its support at forthcoming sessions. Furthermore, in April 2007 it submitted a written contribution in response to the invitation of the Secretary-General under General Assembly resolution 61/39 (A/62/121/Add.1).

Switzerland welcomes the interim report of the Secretary-General contained in document A/62/261, identifying activities of the various organs, bodies, offices, departments, funds and programmes of the United Nations system for the promotion of the rule of law at the national and international levels. Switzerland appreciates the opportunity given to States to express their views on possible ways and means to strengthen and coordinate the activities listed in the inventory, with special regard to the effectiveness of assistance that may be requested by States to build their capacity for the promotion of the rule of law at the national and international levels. We look forward to the views expressed by other States, in particular those that currently receive or might welcome assistance of that type.

Switzerland is aware of the wide array of activities relating to the rule of law undertaken by many actors in the United Nations system. It is important to identify those actors and their activities in order to ensure their coherence and mutual cooperation. The issue of whether synergies between them can be enhanced should be continuously examined in order to secure effectiveness and efficiency.

Switzerland is convinced that the establishment of the Rule of Law Coordination and Resource Group, supported by the Rule of Law Unit in the Executive Office of the Secretary-General, under the leadership of the Deputy Secretary-General, contributes significantly to the coherence and coordination of rule of law activities. The Group and the Unit must receive all necessary assistance and support in order for them to fulfil their important role properly. Switzerland looks forward to receiving detailed information on the staffing table and resources as soon as possible, as requested in General Assembly resolution 62/70. It shares the view of those who believe that sustainable and permanent financing for the Rule of Law Unit should be secured as quickly as possible in order to make it fully operational. Switzerland considers that the Unit has an important role to play in improving the effectiveness of aid provided to States to build their capacity to promote the rule of law at the national and international levels.

Switzerland eagerly awaits the final report on the inventory that the Secretary-General will submit to the General Assembly at its sixty-third session. We welcome the suggestions other States have made or will make in the next months on specific issues related to the rule of law, which it would be useful to discuss in depth in the Sixth Committee of the General Assembly.